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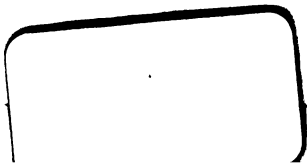
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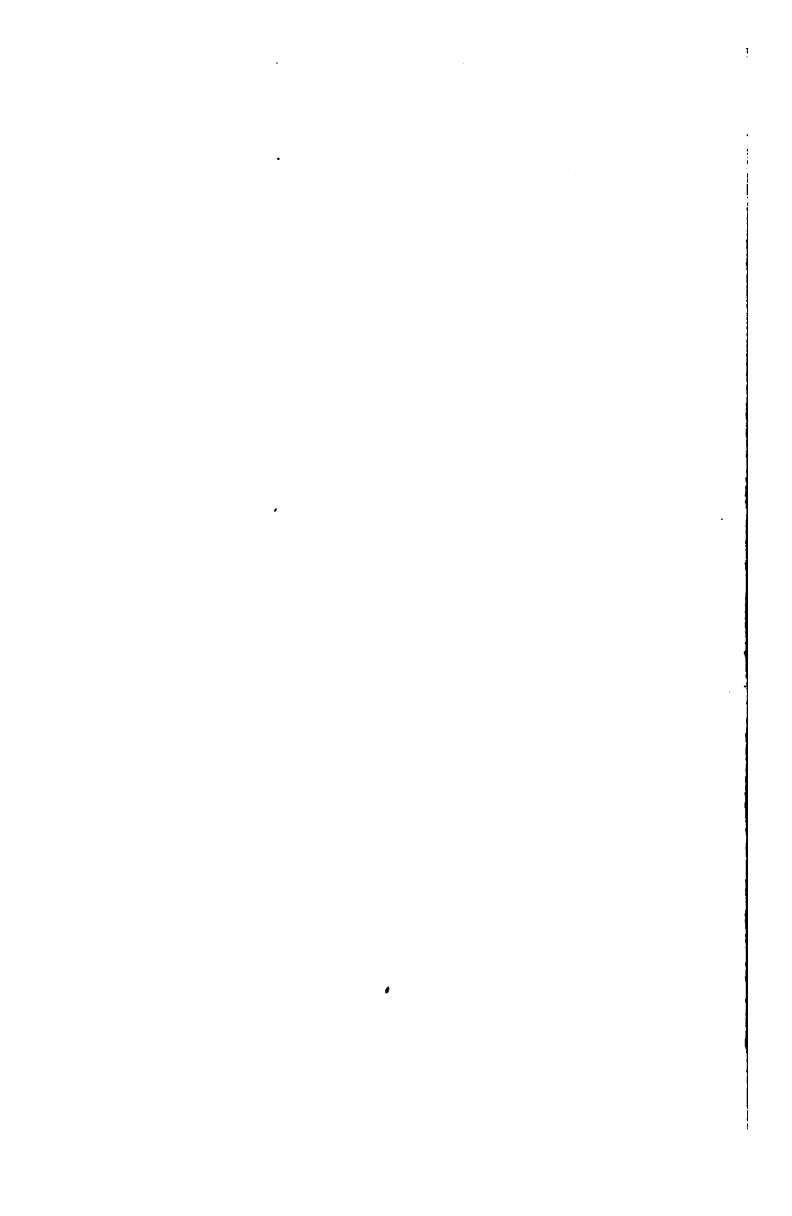


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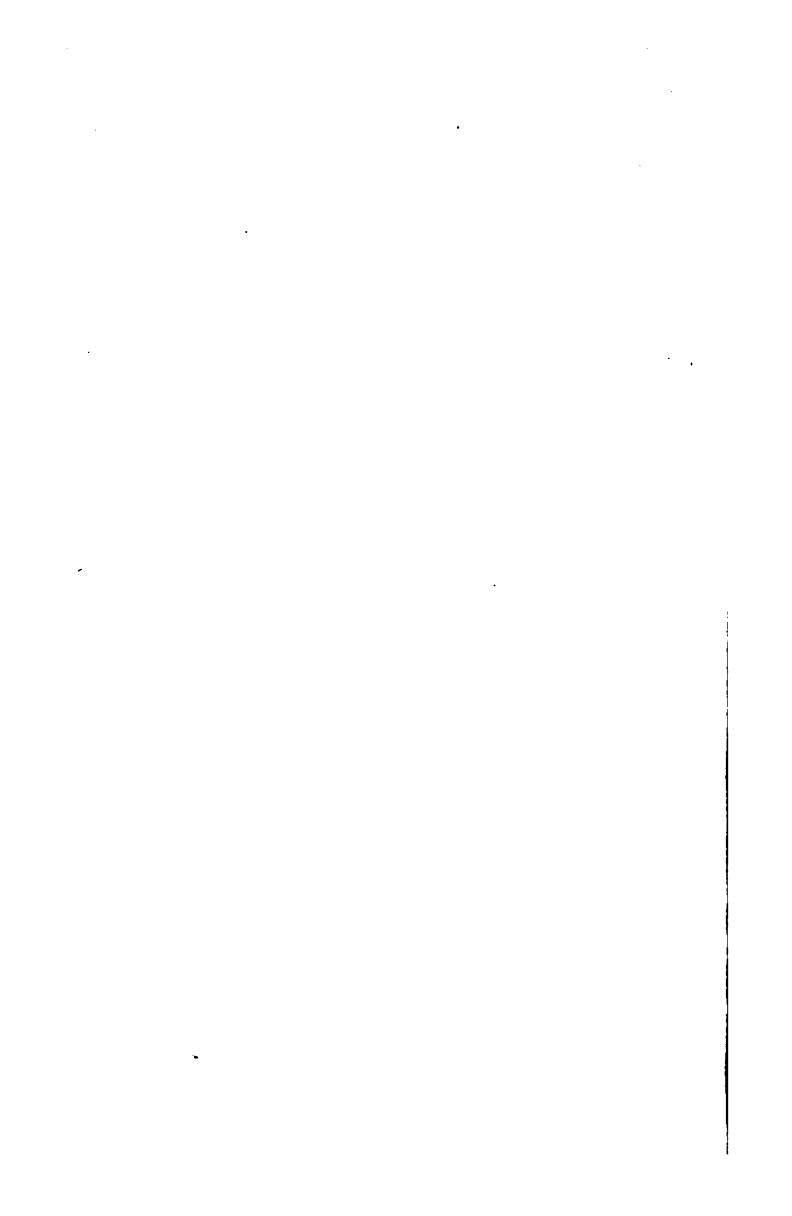
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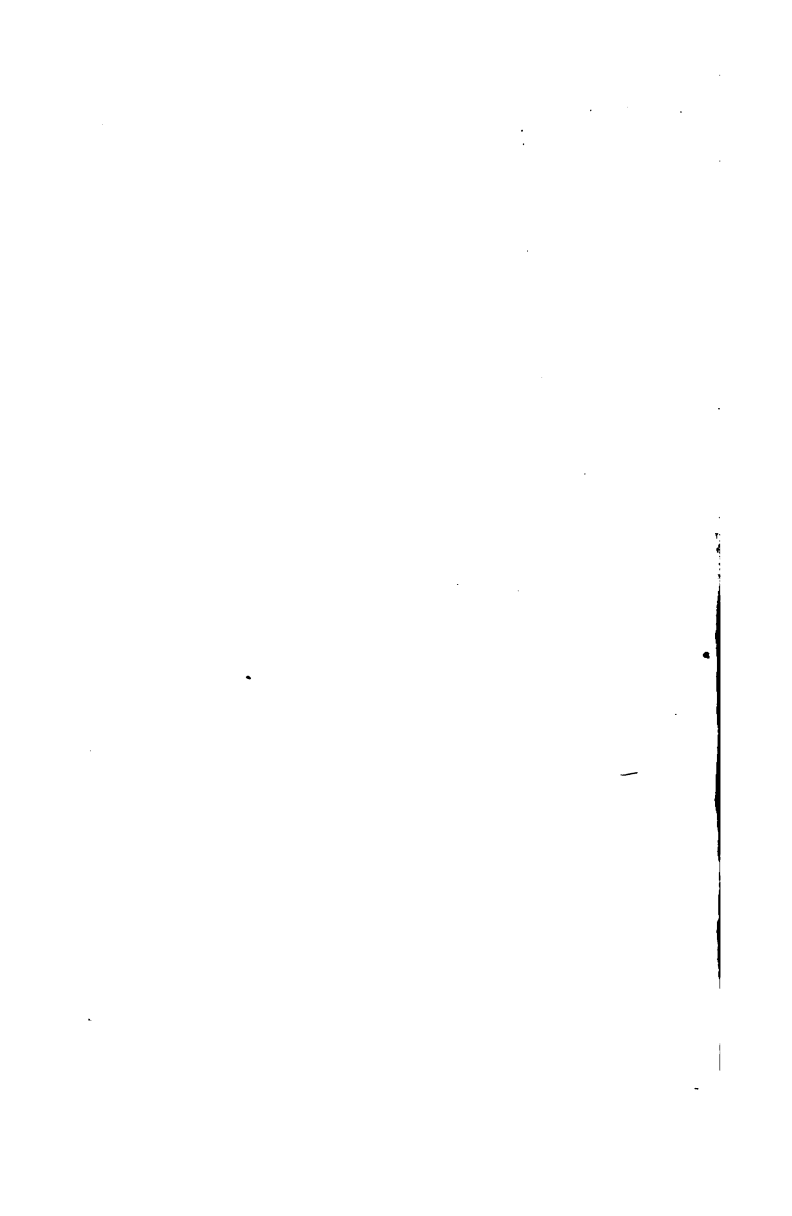






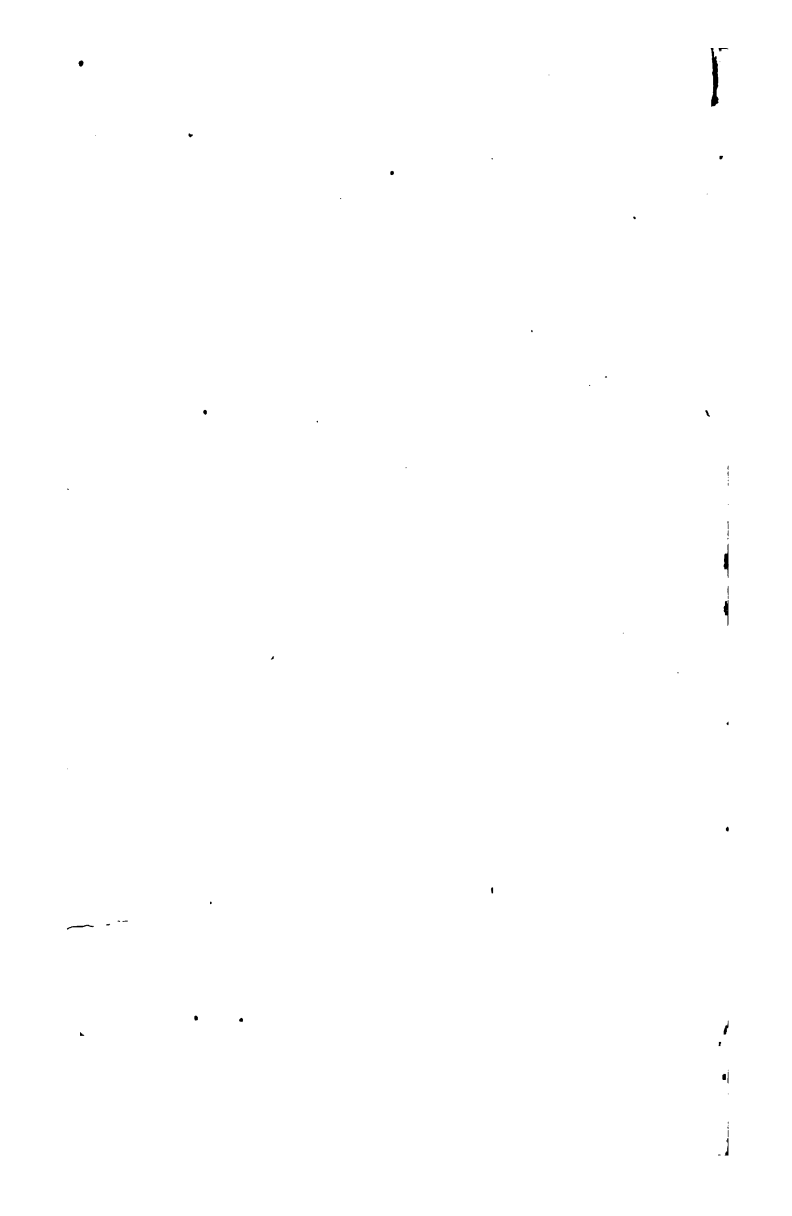








COMMERCE  
AND  
NAVIGATION.



*U.S. Laws, statutes, etc. - Commerce*

THE  
REVISED STATUTES *cf*

OF THE  
UNITED STATES,

RELATING TO

Commerce, Navigation

AND

SHIPPING.

WITH

REFERENCES TO THE DECISIONS OF THE FEDERAL  
COURTS CONSTRUING THEM,

TOGETHER WITH THE REGULATIONS PROMULGATED BY THE  
SECRETARY OF THE TREASURY IN ACCORDANCE  
THEREWITH, AND

A FULL COLLECTION OF FORMS.

BY

ROBERT DESTY,

Author of "Federal Procedure," "Federal Citations,"  
"Shipping and Admiralty," etc.

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1880.

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## PREFACE.

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THE object of this book is to bring into convenient form the laws of the United States concerning American ships, and shipping in American waters, with the official regulations under which these laws are enforced, and vessels in American harbors are controlled.

Brief notes of decisions construing the statutes are given beneath the sections, and reference is made to the author's "Manual of Shipping and Admiralty," in which the results of the decisions of English and American courts are very tersely stated.

The latter volume having been favorably received by the Bench and Bar, it is hoped that this book may find equal favor with shipping and commercial men, and be of some value to their legal counsellors.

ROBERT DESTY.

DECEMBER, 1879.



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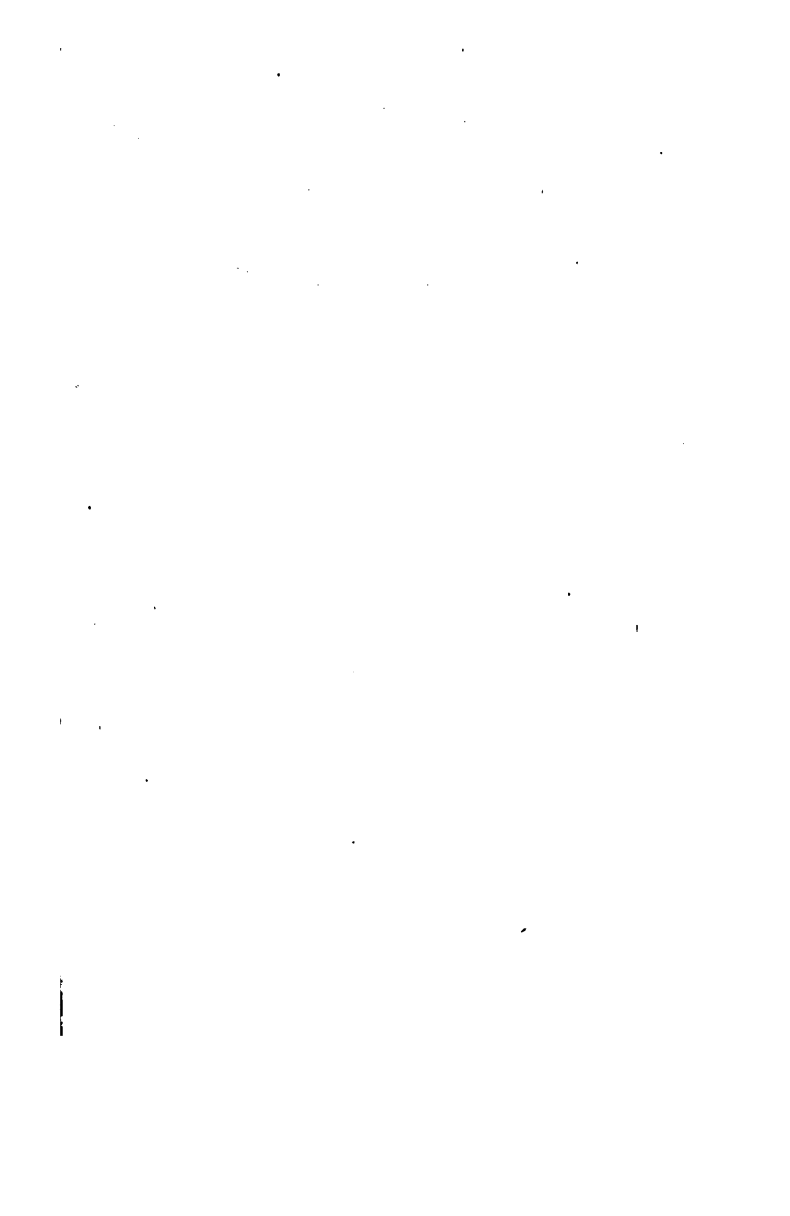
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§ 4136. **Wrecked vessels.**—The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

The registration of foreign vessels wrecked upon the coast is a part of the system of registration and enrollment—The Mohawk, 3 Wall. 566.

§ 4137. **Vessels owned by corporations.**—Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

§ 4138. **New registry upon death.**—Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

§ 4139. **Oath of officer of corporation.**—Previously to granting a register for any vessel, owned by any company, the president or secretary thereof shall swear to the ownership of the vessel, by such company, without designating the names of the persons composing the company; and the oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

§ 4140. **Nationalization of vessels in Alaska.** The Secretary of the Treasury may make such regulations as he may deem expedient, for the nationalization of all vessels owned by actual residents of the Territory of Alaska, on the twentieth day of June, eighteen hundred and sixty-seven, and which continued to be so owned up to the date of such nationalization.

§ 4141. **Where registered.**—Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection-district which includes the port to which such vessel shall belong at the time of her registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides.

The vessel is to be registered at the port to which she belongs, her domicile or home port, and this must be nearest to the place where the owner or owners reside—*Hays v. P. M. S. Co.* 17 How. 598; *Morgan v. Parham*, 16 Wall. 475; *Blanchard v. The Martha Washington*, 1 Cliff. 466; *Hill v. The Golden Gate*, Newb. 308; *St. Louis v. Ferry Co.* 11 Wall. 432; *Collins v. The Fort Wayne*, 1 Bond, 491; *Dudley v. The Superior*, Newb. 176. The port where the vessel is enrolled and licensed being her home port—*Pickell v. The Loper*, Taney, 500. And see *Desty S. & A.* § 12.

§ 4142. Oath for registry, by owner.—In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

The oath must be taken before the officer authorized to make the registry—*The Active*, Olcott, 286; *Weston v. Penniman*, 1 Mason, 305. It respects only the legal ownership of the property, and does not require a disclosure of the equitable interests—*Weston v. Penniman*, 1 Mason, 305. The Registry acts have not changed the common law as to the transfer of vessels, but only deprives the vessel not transferred according to those acts of her national character—*Weston v. Penniman*, 1 Mason, 305. A ship built for aliens resident abroad becomes their property, without any documentary title—*The Active*, Olcott, 288. Requisites of oath and particulars to be specified—*The Fideliter*, Dedy, 634. *Desty S. & A.* § 13.

**§ 4143. Forfeiture for false swearing.**—If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made.

The affirmation must be knowingly false—*The Fidelity*, Deady, 634. A false oath as to the domicile of the owner creates a forfeiture—*The Venus*, 8 Cranch, 253. Ownership cannot be created by a sham sale—*The Fidelity*, Deady, 645.

**§ 4144. Oath by master.**—If the master of a vessel is within the district where a registry thereof is to be made, when application is made for registering the same, he shall, himself, instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of one thousand dollars.

**§ 4145. Bond for registry.**—Previous to the registry of any vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district whose duty it is to make such registry, shall give bond to the United States, if such vessel be of burden not exceeding fifty tons, in the sum of four hundred dollars; if of burden above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burden above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burden above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burden exceeding three hundred tons, in the sum of two thousand dollars.

The Government may elect to proceed either against the vessel as forfeited, or against the person who took the false oath for its value; but until the election is made, the title does not vest in the Government—*U. S. v. Grundy*, 3 Cranch, 338. The sum secured is a penalty or forfeiture, and not liquidated damages—*U. S. v. Montell, Taney*, 46. *Desty S. & A.* § 14.

**§ 4146. Condition of bond.**—The conditions of the bond given to obtain the registry of a vessel shall in each case be that the certificate of such registry shall be solely

used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that, in case such vessel shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up, within eight days after the arrival of the master or person having the charge or command of such vessel, within any district of the United States, to the collector of such district; and that if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of or interest in such vessel, the same being within a district of the United States, the certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and that if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district.

The manner of making known a sale or transfer to a foreigner is by giving up the certificate of registry to be canceled—The *Florenzo*, *Blatch. & H. 54*; The *Margaret*, 9 *Wheat. 421*.

**§ 4147. Carpenter's certificate.**—In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

**§ 4148. Measurement of vessel.**—Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a

vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry.

**§ 4149. Certificate of measurement.**—The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this Title; which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid. [See § 4178.] .

**§ 4150. Mode of measurement.**—The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold, (average thickness,) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

**§ 4151. No measurement of cabins or state-rooms.**—No part of any vessel shall be required by the preceding section to be measured or registered for tonnage



that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

**§ 4152. Rules limited to what vessels.**—The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided.

**§ 4153. Tonnage.**—The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern-timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

**TABLE OF CLASSES.**

**Class one.** Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts.

**Class two.** Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

**Class three.** Vessels of which the tonnage length according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet: into ten equal parts.

**Class four.** Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

**Class five.** Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts.

**Class six.** Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the

required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor-timber, at the inside of the limber-strake, after deducting the average thickness of the ceiling, which is between the bilge-planks and limber-strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area, by four, and the third, and every odd-numbered area, except the first and last,

by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper decks, or the spar deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid.

If a vessel has a third deck, or spar-deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage-deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to

the sum of these products add the first and last breadths, multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary-line of measurement, and the depth shall be taken from an athwart-ship line, extending from the upper edge of such strake at each division of the length.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other inclosed spaces above the deck, each separately. In every registered United States vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a registered vessel of the United States.

**§ 4154. Measurement of foreign vessels.**—In order to ascertain the tonnage of any vessel, except as otherwise provided in this Title, and in Title L, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the vessel be double-decked, take the length thereof from the fore part of the main stem to the after part of the stern-post, above the upper deck, the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five; the quotient whereof shall be deemed the true contents or tonnage of such vessel. If such vessel be single-decked, the surveyor, or other person, shall take the length and breadth as above directed, in respect to a double-decked vessel,

shall deduct from the length three-fifths of the breadth and, taking the depth from the under side of the deck-plank to the ceiling in the hold, shall multiply and divide in the same manner, and the quotient shall be deemed the tonnage of such vessel.

**§ 4155. Form of register.**—When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (insert-

ing the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length).

**§ 4156. Variation from form.**—When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

**§ 4157. Blank certificates of registry.**—It shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked.

**§ 4158. Issuing certificates of registry.**—The Secretary of the Treasury shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the collectors, respectively, by whom also the certificate shall be signed and sealed, before they are issued; and where there is a naval officer at any port they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Register, who shall cause a record to be kept of the same.

**§ 4159. Registry upon purchase of vessel.**—Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

**§ 4160. Surrender of certificate granted to purchaser.**—Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this Title in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

**§ 4161. Registry by agent.**—Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title, such vessel ought to be deemed to belong, it shall be lawful for the collector of the district where such vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof.

**§ 4162. Surrender of certificate granted to agent.**—Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this Title in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the

same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

**§ 4163. Forfeiture for false swearing by agent.** If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made.

**§ 4164. Registry upon sale under legal process.** Whenever it appears, by satisfactory proof, to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same.

**§ 4165. Sale to foreigners.**—No vessel which is registered, pursuant to any law of the United States, and which is seized or captured and condemned, under the authority of any foreign power, or which by sale becomes the property of a foreigner, shall be entitled to or capable of receiving a new register, notwithstanding such vessel should afterward become American property; but all such vessels shall be taken and considered, to all intents and purposes, as foreign vessels. Nothing in this section shall extend to or be construed to affect the person owning any vessel at the time of the seizure or capture of the same, or his executor or administrator, or shall prevent such owner or his executor or administrator, in case he regain a property in such vessel, so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he otherwise might have done.



**§ 4166. Registry upon sale abroad.**—When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward.

**§ 4167. Oath upon loss of register.**—Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this Title in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

**§ 4168. Surrender of certificate obtained upon loss of original.**—Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a

new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of one hundred dollars ; and the former register shall become null and void.

**§ 4169. Penalty for not obtaining new registry.**  
 In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed, the owner of such vessel shall be liable to a penalty of five hundred dollars, to be recovered, with costs of suit.

The only penalty is, that she loses her national character—U. S. v. The Forrester, Newb. 81; U. S. v. Willings, 4 Cranch, 48; 1 Wash. C. C. 125; 4 Dall. 374; Weston v. Penniman, 1 Mason, 306; Johnson v. Merrill, 122 Mass. 155. Desty S. & A. § 16.

**§ 4170. New registry upon sale or alteration.**  
 Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew.

This section does not dispense with the necessity for a bill of sale—Ocean Ins. Co. v. Polleys, 13 Pet. 163; Ohi v. Eagle Ins. Co. 4 Mason, 172. A bill of sale is good, though it does not recite the certificate; the only penalty being the loss of her national character—D'Wolf v. Harris, 4 Mason, 515.

**§ 4171. Change of master.**—When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the col-

lector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of one hundred dollars.

**§ 4172. Failure to report sale to foreigners.**—If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or State, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

It must be shown that the vessel was sold to a foreigner—*U. S. v. Gordon*, 5 Blatchf. 18; *U. S. v. Willings*, 4 Cranch, 48; 1 Wash. C. C. 125; 4 Dall. 374. The sale to a corporation in a foreign country is a sale to a subject or citizen of a foreign state—*The Maria*, Deady, 89. A transfer, with the understanding that she is afterwards to be reconveyed, works a forfeiture—*The Margaret*, 9 Wheat. 421. The proviso in this section relates only to persons who are joint owners at the time of the commission of the act causing the forfeiture—*The Florenzo*, Blatchf. & H. 54. *Desty S. & A.* § 16.

**§ 4173. Oath upon entry.**—Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the

part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

If the oath discloses no fact which has already forfeited the privileges of an American bottom are retained, notwithstanding an intermediate sale to a citizen—U. S. v. Willings, 4 Cranch, 58; 1 Wash. C. C. 126; 4 Dall. 374. *Desty S. & A.* § 18.

**§ 4174. Transmission of surrendered certificate to Treasury.**—Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Register of the Treasury, to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district.

It is the original register which must be transmitted—*Catlett v. Pacific Ins. Co.* 1 Paine, 594.

**§ 4175. Cancellation of bond.**—Whenever the master or owner of a vessel shall deliver up the register of such vessel, agreeably to the provisions of this Title, if to the collector of the district where the same was granted, the collector shall thereupon cancel the bond which shall have been given at the time of granting such register; or if to the collector of any other district, such collector shall grant to the master, commander, or owner, a receipt or acknowledgment that such register has been delivered to him, and the time when; and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

**§ 4176. Numbering registers.**—The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of

each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the certificates which shall have been granted by him, including the number of each.

**§ 4177. Numbers for vessels.**—The Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States.

**§ 4178. Names to be painted on stern.**—The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars; recoverable one-half to the person giving the information thereof; the other half to the use of the United States.

This section was so amended as to allow the name of any vessel to be painted upon her stern in yellow or gilt letters—Act of 23rd June, 1874; 18 Stat. at Large, 252. The presumption that a vessel belongs to the port at which she is enrolled is strengthened by the fact that she bears her name on her stern—*Dudley v. The Superior*, Newb. 176; *Stearns v. Doe*, 12 Gray, 482; *Desty S. & A.* § 19.

**§ 4179. Change of name.**—No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance to deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

**§ 4180. Oath to obtain record of vessel owned by foreigner.**—Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the

name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose.

**§ 4181. Measurement for record.**—The collector shall cause the vessel so built to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained.

**§ 4182. Certificate of record.**—A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII, 'REGULATION OF COMMERCE AND NAVIGATION,' of the Revised Statutes of the United States, I, (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of her master) is, at present, master, was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the num-

ber of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Register of the Treasury to be recorded in his office.

**§ 4183. Change of master or name of recorded vessel.**—Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Register of the Treasury; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this Title.

**§ 4184. Production of certificate upon entry.** The master or other person having the command or charge of any vessel, recorded in pursuance of this Title, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

**§ 4185. Fees of collector.**—The fees to be allowed and paid to collectors for services pertaining to the registry or record of vessels shall be as follows: For each certificate of registry or record, two dollars; for each endorsement upon a certificate of registry or record, one dollar; and for taking any bond required by this Title, twenty-five cents.

**§ 4186. Fees of surveyors.**—The fees to be allowed and paid to surveyors shall be as follows: For the admeasurement and certifying the same, of any vessel of one hundred tons and under, one cent per ton; for the admeasurement of any vessel above one hundred tons and not exceeding two hundred tons, one dollar and fifty cents; for the admeasurement of any vessel above two hundred tons, two dollars; for all other services to be performed by such surveyor, on board any vessel of one hundred tons or upward, having on board goods, wares, or merchandise subject to duty, three dollars; for the like services on board any vessel of less than one hundred tons burden, having on board goods, wares, or merchandise subject to duty, one and a half dollars; on all vessels not having on board goods, wares, or merchandise subject to duty, two-thirds of a dollar. All such fees shall be paid by the master or owner of the vessel in which the services shall be performed to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit; but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the services shall also be performed. But the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage-deck; and the sum of three dollars for measuring each between-decks above the tonnage-deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew, above the upper or spar deck.

**§ 4187. Penalty for misconduct by officers.**—Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title, or who designedly takes any other or greater fees than are by this Title allowed, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or naval officer a false description of such vessel, to be registered or recorded, shall be punishable by a fine of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States.



**§ 4188. Penalty for neglect by officers.**—If any person authorized and required by this Title to perform, as an officer, any act or thing, willfully neglects to do or perform the same, according to the true intent and meaning of this Title, he shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of five hundred dollars for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

**§ 4189. Penalty for fraudulent registry.**—Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

The provisions of this section apply as well to vessels which have not been previously registered as to those to which registers have been previously granted—The Neptune, 3 Wheat. 601. If a vessel is, after a sale to a foreigner, navigated thereunder, it is a violation of the act—The Maria, Deady, 89; The Fideliter, Ibid. 645; The Margaret, 9 Wheat. 421. The offense must be established beyond a reasonable doubt—U. S. v. The Burdett, 9 Peters, 682. Condemnation follows from a defect of testimony on the part of the claimant—The Luminary, 8 Wheat. 407. The penalty in this section applies exclusively to vessels engaged in foreign commerce—The Mohawk, 3 Wall. 566. "Liable" only implies that the United States may not discover or may not enforce the forfeiture—The Mary Celeste, 2 Low. 354. Where the United States have an election to proceed against the vessel or against the owner the title of the owner is not divested *eo instanti*—U. S. v. The Reindeer, 2 Cliff. 68; Desty S. & A. § 16.

**§ 4190. Sea-letters, to what vessels issued.**—No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

**§ 4191. Forged sea-letters, etc.**—Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States.

If any one falsely makes, forges, counterfeits, or alters any instrument purporting to be an abstract or official copy or certificate of the registry, enrollment, or license, or of any document granted under the authority of the United States, he shall be punished by fine and imprisonment—Rev. Stats. sec. 5423.

**§ 4192. Conveyance of vessels—Lien by bottomry.**—No bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel, of the United States, shall be valid against any person other than the grantor or mortgagor, his heirs and devisees, and persons having actual notice thereof, unless such bill of sale, mortgage, hypothecation, or conveyance is recorded in the office of the collector of the customs where such vessel is registered or enrolled. The lien by bottomry on any vessel, created during her voyage, by a loan of money or materials necessary to repair or enable her to prosecute a voyage, shall not, however, lose its priority, or be in any way affected by the provisions of this section.

Bills of sale, mortgages, or conveyances of vessels to be recorded in the office of the collector of customs where such vessels are registered—*Hays v. P. M. S. S. Co.* 17 How. 598; *Blanchard v. The Martha Washington*, 1 Cliff. 463. The recording at the home port gives a preference over a subsequent purchaser or mortgagee—*White's Bank v. Smith*, 7 Wall. 646. Or a subsequent attachment under a State statute—*Aldrich v. Aetna Ins. Co.* 8 Wall. 491; *White's Bank v. Smith*, 7 Wall. 646. The recording or non-recording only affects priority of liens—*Mott v. Ruckman*, 3 Blatchf. 71. The act does not extend to charter parties—*Mott v. Ruckman*, 3 Blatchf. 71; *Hill v. The Golden Gate*, Newb. 300. Nor does it supersede statute regulations of a statute not inconsistent with it—*Thompson v. Van Vechten*, 5 Abb. Pr. 458. The record is to be made in the district of the last registration and enrollment—*Potter v. Irish*, 10 Gray, 416; *Chadwick v. Baker*, 54 Me. 2. The provisions are constitutional and valid—*White's Bank v. Smith*, 7 Wall. 646; *Blanchard v. The Martha Washington*, 1 Cliff. 463.

**§ 4193. Record of sale, mortgages, etc.**—The collectors of the customs shall record all such bills of sale, mortgages, hypothecations, or conveyances, and, also, all certificates for discharging and canceling any such conveyances, in books to be kept for that purpose, in the order of their reception; noting in such books, and also on the bill of sale, mortgage, hypothecation, or conveyance, the time when the same was received; and shall certify on the bill of sale, mortgage, hypothecation, or conveyance, or certificate of discharge or cancellation, the number of the book and page where recorded; and shall receive, for so recording such instrument of conveyance or certificate of discharge, fifty cents; but no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, shall be recorded, unless the same is duly acknowledged before a

notary public or other officer authorized to take acknowledgment of deeds.

**§ 4194. Index of records.**—The collectors of the customs shall keep an index of such records, inserting alphabetically the names of the vendor or mortgagor, and of the purchaser or mortgagee, and shall permit such index and books of records to be inspected during office-hours, under such reasonable regulations as they may establish, and shall, when required, furnish to any person a certificate, setting forth the names of the owners of any vessel registered or enrolled, the parts or proportions owned by each, if inserted in the register or enrollment, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance upon such vessel, recorded since the issuing of the last register or enrollment, viz, the date, amount of such incumbrance, and from and to whom or in whose favor made. The collector shall receive for each such certificate one dollar.

**§ 4195. Certified copies of records.**—The collectors of the customs shall furnish certified copies of such records, on the receipt of fifty cents for each bill of sale, mortgage, or other conveyance.

**§ 4196. Interests to be named in bills of sale.** All bills of sale of vessels registered or enrolled, shall set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

## CHAPTER TWO.

## CLEARANCE AND ENTRY.

- § 4197. Granting clearances.
- 4198. Oath of master.
- 4199. Form of manifest.
- 4200. Manifests of shippers.
- 4201. Form of clearance.
- 4202. State inspection laws.
- 4203. Conveyance of the malls.
- 4204. Conveyance of bullion, coin, etc., for the United States.
- 4205. Clearance of vessel laden with live-oak.
- 4206. Payment of fees on vessels outward bound.
- 4207. Copy of rates of consular fees to be annexed to clearance.
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- 4209. Production and deposit of papers of foreign vessels.
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- 4215. Signals of yachts.
- 4216. Yachts belonging to foreign yacht-clubs.
- 4217. Commissions to yachts.
- 4218. Entry of yachts.

**§ 4197. Granting clearances.**—The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as hereby required, the master or other person having the charge or command of such vessel shall be liable to a penalty of five hundred dollars for every such offense.

The Secretary of the Treasury may refuse a clearance to any vessel laden with suspected merchandise intended for ports in possession of insurgents against the Government—Rev. Stats. sec. 5320; Base. Steele, 3 Wash. C. C. 382. And the collector of the customs may require a bond in a penalty equal to the value of the cargo that no part of the cargo

may be used in affording aid to insurgents—Rev. Stats. sec. 5321. A clearance is necessary for every vessel sailing on the ocean—*Bas v. Steele*, 3 Wash. C. C. 361.

§ 4198. Oath of master.—The oath to be taken by the master or commander of the vessel shall be as follows :

District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be reloaded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reload the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

§ 4199. Form of manifest.—The form of the report and manifest to be delivered to the collector shall be as follows :

Report and manifest of the cargo laden at the port of \_\_\_\_\_, on board  
the \_\_\_\_\_, master, bound for \_\_\_\_\_ port \_\_\_\_\_.

Mark.	Numbers.	Packages or articles in bulk.	Contents or quantities.	Value at the port of exportation.

**§ 4200. Manifests of shippers.**—Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles ; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing.

Owners of foreign vessels shall give bonds that none of the natives of a foreign country shall be transported and sold as slaves—Rev. Stats. sec. 5564. The collector to require an oath that no letter or packet originating in the United States, and not regularly received from the post office, has been received on board—Rev. Stats. sec. 3987. Where articles are purchased abroad for the equipment of the vessel, and remain on board at her arrival, they need not be reported on the manifest—U. S. v. Colls of Cordage, Gilp. 299; Desty S. & A. § 7.

**§ 4201. Form of clearance.**—The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows :

District of \_\_\_\_\_, ss,  
 Port of \_\_\_\_\_ :

These are to certify all whom it doth concern, that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burdened with \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, \_\_\_\_\_ built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the Independence of the United States of America.

**§ 4202. State inspection laws.**—The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the mas-

ter, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

The law does not require the production of a certificate of his having complied with the inspection laws of the State unless the laws of the State require it—*Bas v. Steele*, 3 Wash. C. C. 381.

**§ 4203. Conveyance of the mails.**—All vessels belonging to \* citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

\*The word "the" was stricken out by amendment 27th February, 1877—19 U. S. Stats. p. 250. See § 4212.

**§ 4204. Conveyance of bullion, coin, etc., for the United States.**—All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States, or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

**§ 4205. Clearance of vessels laden with live-oak.**—Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy.

It is the duty of all officers of customs, as well as land officers, to take reasonable precautions against depredations on the public lands—*Rev. Stats. sec. 2463.*

**§ 4206. Fees on vessels outward bound.**—Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

**§ 4207. Copy of rates of consular fees to be annexed to clearance.**—Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services.

**§ 4208. Steamboats on Lake Champlain.**—The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board.

When merchandise is imported, duly entered, and the duties paid, it may be landed in the same or any district adjoining Lake Champlain—Rev. Stats. sec. 3128.

**§ 4209. Production and deposit of papers of foreign vessels.**—The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to any foreign vessel, at her departure from the port from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. It shall be the duty of the master, within forty-eight hours after such entry, to deposit the papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul that the papers have been so deposited. Every master who fails to comply with this regulation shall be punishable by a fine of not less than five hundred dollars, nor more than two thousand dollars.



The act requires masters of British vessels to deposit certain papers with the consul of his Government within forty-eight hours of his arrival in a port of the United States—*Lorway v. Lousada*, 1 Low. 77.

**§ 4210. Exception in certain cases.**—The preceding section shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation.

**§ 4211. Delivery of papers by foreign consul.** It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register and other papers deposited with him pursuant to the provisions of the preceding section, until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be fined not less than five hundred dollars, nor more than five thousand.

**§ 4212. Oath of masters to delivery of mails.** Upon the entry of every vessel of the United States from any foreign port, the master thereof shall make return, on oath, showing that he has promptly delivered at such foreign port, all mails placed on board of the vessel under his command before clearance from the United States. And in case the master shall fail to make such oath, showing that he has delivered the mails placed on board his vessel in good faith, the vessel shall not be entitled to the privileges of a vessel of the United States.

An oath is to be taken on return to port of the prompt delivery of the mail, and on failure to make such oath the vessel loses its privileges as an American vessel—Rev. Stats. sec. 3976. No vessel is allowed to make entry or break bulk till delivery of letters at the post-office—Rev. Stats. sec. 3983.

**§ 4213. Copies of receipts of consular fees, etc.** It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officers by whom the same were certified. [See § 1726.]

**§ 4214. Pleasure-yachts.**—The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond, in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

**§ 4215. Signals of yachts.**—All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

**§ 4216. Yachts belonging to foreign yacht-clubs.** Yachts, belonging to a regularly organized yacht-club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage tax.

**§ 4217. Commissions to yachts.**—For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

**§ 4218. Entry of yachts.**—Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.

## CHAPTER THREE.

## TONNAGE DUTIES.

- § 4219. Amount of tonnage duties.
- 4220. Exemption of coasting and fishing vessels.
- 4221. Exemption of vessels making daily trips on interior waters.
- 4222. Exemption of vessels touching at Canadian ports.
- 4223. Tonnage duty to be paid only once in each year.
- 4224. Time of payment of tonnage duties.
- 4225. Light-money.
- 4226. Exemption of unregistered vessels owned by citizens.
- 4227. Rights under treaties preserved.

**§ 4219. Amount of tonnage duties.**—Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows :

On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton ; on other vessels not of the United States, at the rate of fifty cents per ton.

Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of fifty cents per ton. Nothing in this section shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton ; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished.

In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place ; and any rights or privileges acquired by any foreign na-

tion under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton.

As amended by Act of February 27th, 1877, 19 U. S. Stats. 250.

Decision of collector conclusive after ten days' acquiescence—Rev. Stats. sec. 2931. Vessels coming from ports in the British Colonies must pay full duties as on foreign vessels—U. S. v. Hathaway, 3 Mason, 324. The charge of "light money" is confined to the vessel, and binds the owner—U. S. v. Hathaway, 3 Mason, 324.

**§ 4220. Exemption of coasting and fishing vessels.**—No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled. [See § 2793.]

**§ 4221. Exemption of vessels on interior waters.** In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

**§ 4222. Exemption of Canadian ports.**—No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the frontiers of the United States, touching at intermediate ports, are required to enter and clear, but they do not become liable as vessels from or to foreign ports—Rev. Stats. sec. 2793.

**§ 4223. Payment of tonnage duty.**—The tonnage duty imposed on all vessels engaged in foreign commerce shall be levied but once within one year, and, when paid by such vessel, no further tonnage tax shall be collected within one year from the date of such payment. But this provision shall not extend to foreign vessels entered in the United States from any foreign port, to and with which vessels of the United States are not ordinarily permitted to enter and trade.

**§ 4224. Time of payment.**—Vessels which pay tonnage duties once in a year shall pay the same either at their first clearance from or entry at, according to priority, a custom-house in the United States in each calendar year. Nothing in this section shall be construed to prevent customs officers from collecting such tonnage duty at the entry of vessels at their respective custom-houses during the calendar year if the same has not previously been paid for such year.

**§ 4225. Light-money.**—A duty of fifty cents per ton, to be denominated "light-money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

**§ 4226. Exemption of unregistered vessels owned by citizens.**—The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea-letter, or other regular document, issued from a custom-house of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea-letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

**§ 4227. Rights under treaties.**—Nothing contained in this Title shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

## CHAPTER FOUR.

## DISCRIMINATING DUTIES.

- § 4228. Suspension by the President.
- 4229. Vessels of Prussia.
- 4230. Termination of privileges.
- 4231. Spanish vessels.
- § 4232. Mail-steamships to Brazil.

§ 4228. **Suspension by the President.**—Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

§ 4229. **Vessels of Prussia.**—No other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States, and their cargoes.

§ 4230. **Termination of privileges.**—The preceding section shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the ports of Prussia and her dominions; and if at any time hereafter the equality shall not be reciprocated in the ports of Prussia and her dominions, the President may issue his proclamation, de-

clearing that fact, and thereupon the section preceding shall cease to be in force.

**§ 4231. Spanish vessels.**—From Spanish vessels coming from any port or place in Spain or her colonies, where no discriminating or countervailing duties on tonnage are levied upon vessels of the United States, or from any other port or place to and with which vessels of the United States are ordinarily permitted to go and trade, there shall be exacted in the ports of the United States no other or greater duty on tonnage than at the time may be exacted of vessels of the United States.

**§ 4232. Mail-steamships to Brazil.**—The mail steamships employed in the mail-service between the United States and Brazil shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States if, and so long as, a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

## CHAPTER FIVE.

### NAVIGATION.

- 4233. Rules for preventing collisions.
- 4234. Forfeiture of sailing vessels for omission of lights.
- 4235. State regulations of pilots.
- 4236. Pilots on boundaries between States.
- 4237. No discrimination in rates of pilotage.
- 4238. Vessels stranded on foreign coasts.
- 4239. Property wrecked on coast of Florida.
- 4240. Forfeitures for taking such property to foreign port.
- 4241. License to wreckers on Florida coast.
- 4242. Life-saving stations on coasts of Long Island, etc.
- 4243. Superintendents and keepers.
- 4244. Crews of surfmen.
- 4245. Stations at light-houses.
- 4246. Care of boats.
- § 4247. Keepers, etc., at stations on coasts of Cape Cod and Rhode Island.
- § 4248. Supervision of stations on coast of Rhode Island.
- § 4249. Stations on coasts of Maine, New Hampshire, Massachusetts, Virginia, etc.
- § 4250. Removal of captain by owners of vessels.
- § 4251. Canal-boats not to be libeled for wages.

**§ 4233. Rules for preventing collisions.**—The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States :

#### STEAM AND SAIL VESSELS.

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel ; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

#### LIGHTS.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the com-



pass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side-lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six.

Rule six. River-steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen

feet above the light at the head of the vessel. The head-light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the after-light so as to show all around the horizon. The lights for ferry-boats shall be regulated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as steam-vessels under way, with the exception of the white mast-head lights, which they shall never carry.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they

do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient.

Rule fourteen. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

#### FOG-SIGNALS.

Rule fifteen. Whenever there is a fog, or thick weather, whether by day or night, fog-signals shall be used, as follows:

(A) Steam-vessels under way shall sound a steam-whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute.

(B) Sail-vessels under way shall sound a fog-horn at intervals of not more than five minutes.

(C) Steam-vessels and sail-vessels, when not under way, shall sound a bell at intervals of not more than five minutes.

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other watercraft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

#### STEERING AND SAILING RULES.

Rule sixteen. If two sail-vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule seventeen. When two sail vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side, except in the case in which

the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed.

Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Rule 2. *Kelley v. Thompson*, 1 Low. 124.

Rule 3. The provisions of this rule apply only to ocean-going steamers and steamers carrying sails—Act of July 25th, 1866; 14 U. S. Stats. 223; *The Fairbanks*, 9 Wall. 421; *The Glancus*, 1 Low. 366; *The Ontario*, 2 Low. 40; *The Santiago de Cuba*, 10 Blatchf. 444; *The Carlton v. U. S.* 10 Ct. of Cl. 485; *Desty S. & A.* § 362.

Rule 7. *The Continental*, 14 Wall. 345. And see Act of July 25th, 1866; 14 U. S. Stats. 223; *Desty S. & A.* § 362.

Rule 8. *The Scotia*, 14 Wall. 183; *The Continental*, *Ibid.* 345. The exception of the mast-head light is justified by experience—*The Fairbanks*, 9 Wall. 421; *The Hypodame*, 6 Wall. 215. See *The Monticello v. Mollison*, 17 How. 152; *Desty S. & A.* § 362.

Rule 10. *The Carlton v. U. S.* 10 Ct. of Cl. 485; *Desty S. & A.* §§ 362, 365.

Rule 11. *The City of Washington*, 92 U. S. 36; *Desty S. & A.* § 362.

Rule 15. *The Pennsylvania*, 19 Wall. 126; *The Porter*, 2 Dill. 150; *The Leo*, 11 Blatchf. 225; *The Monticello*, 1 Low. 184. When not under way

shall use a bell—*The Pennsylvania*, 19 Wall. 126; *Desty S. & A.* § 360.

Rule 18. *The Sunnyside*, 91 U. S. 208; *The City of Washington*, 92 U. S. 26. Meeting "nearly end on" includes cases when vessels are approaching from nearly opposite directions, or on a line of approach nearly parallel—*The Nichols*, 7 Wall. 656. The obligation exists from the time the necessity occurs, and continues so long as means and efforts remain, to avoid danger—*The Dexter*, 23 Wall. 69; *Desty S. & A.* § 363.

Rule 17. *Kelley v. Thompson*, 1 Low. 124; *Desty S. & A.* § 372.

Rule 18. *The Continental*, 14 Wall. 357; *The Atlas*, 10 Blatchf. 459; *The Carlton v. U. S. 10 Ct. of Cl.* 485; *Desty S. & A.* §§ 359, 373.

Rule 19. *The Corsica*, 9 Wall. 633; *The Chesapeake*, 5 Blatchf. 411; *The Santiago de Cuba*, 10 Blatchf. 444; *The Vancouver*, 2 Sawy. 381; *Desty S. & A.* § 374.

Rule 20. *The Free State*, 91 U. S. 200; *The Sunnyside*, *Ibid.* 208; *The Carlton v. U. S. 10 Ct. of Cl.* 485; *The Carroll*, 8 Wall. 502; *The Fairbanks*, 9 Wall. 421; *The City of Paris*, 9 Wall. 638; *The Leo*, 11 Blatchf. 225; *Desty S. & A.* §§ 357, 375.

Rule 21. *The Carroll*, 8 Wall. 302; *The Fairbanks*, 9 Wall. 421; *The City of Paris*, 9 Wall. 638; *The Syracuse*, *Ibid.* 676; *The Free State*, 91 U. S. 200; *The City of Washington*, 92 U. S. 36; *The Monticello*, 1 Low. 184; *Miller v. The W. G. Hewes*, 1 Woods, 363; *The Bristol*, 10 Blatchf. 537; *The Leo*, 11 Blatchf. 225; *The Hammonia*, 11 Blatchf. 413; *The Carlton v. U. S. 10 Ct. of Cl.* 485. The rule does not mean that she may wait till danger is imminent, nor that she need not slacken speed if the risk is caused by the fault of the approaching vessel—*The Huntsville*, 8 Blatchf. 228; *Desty S. & A.* §§ 356, 368.

Rule 22. *The Narragansett*, 10 Blatchf. 475; *The W. H. Clark*, 5 Biss. 25; *Whitridge v. Dill*, 23 How. 440; *Desty S. & A.* § 377.

Rule 23. *The Grace Girdler*, 7 Wall. 156; *The John L. Hasbrouck*, 93 U. S. 465; *The Santiago de Cuba*, 10 Blatchf. 444; *The W. H. Clark*, 5 Biss. 25; *The Carlton v. U. S. 10 Ct. of Cl.* 485; *Desty S. & A.* §§ 376, 377.

Rule 24. *The Grace Girdler*, 7 Wall. 156; *The Corsica*, 9 Wall. 630; *The Sunnyside*, 91 U. S. 208; *The W. H. Clark*, 5 Biss. 25; *The Carlton v. U. S. 10 Ct. of Cl.* 485; *Desty S. & A.* § 380.

**§ 4234. Forfeiture of sailing-vessels for omission of lights.**—Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights, and every such vessel shall, on the approach of any steam-vessel during the night-time, show a lighted torch upon that point or quarter to which such steam vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section, shall be liable to a penalty of two hundred dollars, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel, in any district court of the United States having jurisdiction of the offense.

*The Leopard*, 2 Low. 239; *Desty S. & A.* § 364.

**§ 4235. Pilots.**—Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States

respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose.

*Gibbons v. Ogden*, 9 Wheat. 207; *Hobart v. Drogan*, 10 Peters, 121; *License Cases*, 5 How. 560; *Corley v. Port Wardens*, 12 How. 243; *Ex parte O'Neil*, 13 Wall. 236; *Desty S. & A.* § 343.

**§ 4236. Pilots on boundaries.**—The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

See *Desty S. & A.* § 343.

**§ 4237. Rates of pilotage.**—No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

**§ 4238. Vessels stranded on foreign coasts:** Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

**§ 4239. Property wrecked on coast of Florida.** All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

**§ 4240. Forfeitures for taking wrecked property to foreign ports.**—Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

**§ 4241. License to wreckers.**—No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is sea-worthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

**§ 4242. Life-saving stations.**—The Secretary of the Treasury may establish such stations on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, and may make such changes in the location of the existing stations, and make such repairs and furnish such apparatus and supplies, as may, in his judgment, be best adapted to the preservation of life and property from such shipwrecked vessels.

Persons in immediate charge of life-saving service are to make report of expenditures and operations of the same—Act of July 31st, 1876; 19 U. S. Stats. 107. An Act of June 20th, 1874 (18 U. S. Stats. 125), providing for the establishment of life-saving stations and regulating the service, will be found in the appendix to this volume.

**§ 4243. Superintendents and keepers.**—The Secretary of the Treasury may appoint, at each of the stations established under the provisions of the preceding section, a keeper, at a compensation not exceeding two hundred dollars a year, and a superintendent, who shall also have the powers and perform the duties of an inspector of the customs for each of the coasts therein mentioned; and he shall give such keepers and superintendents proper instructions relative to the duties to be required of them.

**§ 4244. Crews of surf-men.**—The Secretary of the Treasury may also employ crews of experienced surf-men at such stations on the coasts of Long Island and

**§ 4200. Manifests of shippers.**—Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles ; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing.

Owners of foreign vessels shall give bonds that none of the natives of a foreign country shall be transported and sold as slaves—Rev. Stats. sec. 5564. The collector to require an oath that no letter or packet originating in the United States, and not regularly received from the post office, has been received on board—Rev. Stats. sec. 3987. Where articles are purchased abroad for the equipment of the vessel, and remain on board at her arrival, they need not be reported on the manifest—U. S. v. Colls of Cordage, Glip. 299; Desty S. & A. § 7.

**§ 4201. Form of clearance.**—The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows :

District of \_\_\_\_\_, ss,  
 Port of \_\_\_\_\_ :

These are to certify all whom it doth concern, that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burdened with \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, \_\_\_\_\_ built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the Independence of the United States of America.

**§ 4202. State inspection laws.**—The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the mas-



ter, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

The law does not require the production of a certificate of his having complied with the inspection laws of the State unless the laws of the State require it—*Bas v. Steele*, 3 Wash. C. C. 331.

**§ 4203. Conveyance of the mails.**—All vessels belonging to \* citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

\* The word "the" was stricken out by amendment 27th February, 1877—19 U. S. Stats. p. 250. See § 4212.

**§ 4204. Conveyance of bullion, coin, etc., for the United States.**—All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States, or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

**§ 4205. Clearance of vessels laden with live-oak.**—Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy.

It is the duty of all officers of customs, as well as land officers, to take reasonable precautions against depreations on the public lands—*Rev. Stats. sec. 2463.*

**§ 4200. Manifests of shippers.**—Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing.

Owners of foreign vessels shall give bonds that none of the natives of a foreign country shall be transported and sold as slaves—Rev. Stats. sec. 5564. The collector to require an oath that no letter or packet originating in the United States, and not regularly received from the post office, has been received on board—Rev. Stats. sec. 3987. Where articles are purchased abroad for the equipment of the vessel, and remain on board at her arrival, they need not be reported on the manifest—U. S. v. Colls of Cordage, Gilp. 299; Desty S. & A. § 7.

**§ 4201. Form of clearance.**—The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows :

District of \_\_\_\_\_, ss,  
Port of \_\_\_\_\_ :

These are to certify all whom it doth concern, that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burdened with \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, \_\_\_\_\_ built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the Independence of the United States of America.

**§ 4202. State inspection laws.**—The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the mas-

ter, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

The law does not require the production of a certificate of his having complied with the inspection laws of the State unless the laws of the State require it—*Bas v. Steele*, 3 Wash. C. C. 331.

**§ 4203. Conveyance of the mails.**—All vessels belonging to \* citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

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Owners of foreign vessels shall give bonds that none of the natives of a foreign country shall be transported and sold as slaves—Rev. Stats. sec. 5564. The collector to require an oath that no letter or packet originating in the United States, and not regularly received from the post office, has been received on board—Rev. Stats. sec. 3967. Where articles are purchased abroad for the equipment of the vessel, and remain on board at her arrival, they need not be reported on the manifest—U. S. v. Colls of Cordage, Gilp. 299; Desty S. & A. § 7.

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District of \_\_\_\_\_, ss,  
 Port of \_\_\_\_\_ :

These are to certify all whom it doth concern, that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burdened \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the Independence of the United States of America.

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\* The word "the" was stricken out by amendment 27th February, 1877—19 U. S. Stats. p. 250. See § 4212.

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It is the duty of all officers of customs, as well as land officers, to take reasonable precautions against depredations on the public lands—*Rev. Stats. sec. 2463.*

**§ 4206. Fees on vessels outward bound.**—Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

**§ 4207. Copy of rates of consular fees to be annexed to clearance.**—Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services.

**§ 4208. Steamboats on Lake Champlain.**—The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board.

When merchandise is imported, duly entered, and the duties paid, it may be landed in the same or any district adjoining Lake Champlain—Rev. Stats. sec. 3128.

**§ 4209. Production and deposit of papers of foreign vessels.**—The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to any foreign vessel, at her departure from the port from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. It shall be the duty of the master, within forty-eight hours after such entry, to deposit the papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul that the papers have been so deposited. Every master who fails to comply with this regulation shall be punishable by a fine of not less than five hundred dollars, nor more than two thousand dollars.

The act requires masters of British vessels to deposit certain papers with the consul of his Government within forty-eight hours of his arrival in a port of the United States—*Lorway v. Lousada*, 1 Low. 77.

**§ 4210. Exception in certain cases.**—The preceding section shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation.

**§ 4211. Delivery of papers by foreign consul.** It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register and other papers deposited with him pursuant to the provisions of the preceding section, until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be fined not less than five hundred dollars, nor more than five thousand.

**§ 4212. Oath of masters to delivery of mails.** Upon the entry of every vessel of the United States from any foreign port, the master thereof shall make return, on oath, showing that he has promptly delivered at such foreign port, all mails placed on board of the vessel under his command before clearance from the United States. And in case the master shall fail to make such oath, showing that he has delivered the mails placed on board his vessel in good faith, the vessel shall not be entitled to the privileges of a vessel of the United States.

An oath is to be taken on return to port of the prompt delivery of the mail, and on failure to make such oath the vessel loses its privileges as an American vessel—Rev. Stats. sec. 3978. No vessel is allowed to make entry or break bulk till delivery of letters at the post-office—Rev. Stats. sec. 3983.

**§ 4213. Copies of receipts of consular fees, etc.** It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officers by whom the same were certified. [See § 1726.]

**§ 4214. Pleasure-yachts.**—The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond, in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

**§ 4215. Signals of yachts.**—All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

**§ 4216. Yachts belonging to foreign yacht-clubs.** Yachts, belonging to a regularly organized yacht-club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage tax.

**§ 4217. Commissions to yachts.**—For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

**§ 4218. Entry of yachts.**—Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.



CHAPTER THREE.  
TONNAGE DUTIES.

- § 4219. Amount of tonnage duties.  
 4220. Exemption of coasting and fishing vessels.  
 4221. Exemption of vessels making daily trips on interior waters.  
 4222. Exemption of vessels touching at Canadian ports.  
 4223. Tonnage duty to be paid only once in each year.  
 4224. Time of payment of tonnage duties.  
 4225. Light-money.  
 4226. Exemption of unregistered vessels owned by citizens.  
 § 4227. Rights under treaties preserved.

**§ 4219. Amount of tonnage duties.**—Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows :

On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton ; on other vessels not of the United States, at the rate of fifty cents per ton.

Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of fifty cents per ton. Nothing in this section shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton ; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished.

In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place ; and any rights or privileges acquired by any foreign na-

ered, (Ibid. 2312, 2313) under a penalty of five hundred dollars for a failure to do so—Ibid. 2314.

**§ 4267. Copies to be returned to Secretary of State.**—Every collector of the customs to whom such lists of passengers shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State.

This section was repealed, and it was, in the repealing act, provided "That hereafter each and every collector of customs to whom shall be delivered the manifests or lists of passengers prescribed by the twelfth section of the act, approved March 3rd, 1853, shall make returns from such manifests or lists of passengers to the Secretary of the Treasury of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published"—Act of May 7th, 1874; 18 U. S. Stats. 42.

**§ 4268. Payment in case of death of passenger.** In case there shall have occurred on board any vessel arriving at any port or place within the United States or its Territories, any death among the passengers, other than cabin passengers, the master, or owner, or consignee of such vessel, shall, within twenty-four hours after the time within which the report and list of passengers is required to be delivered to the collector of the customs, pay to the collector the sum of ten dollars for each and every passenger above the age of eight years, who shall have died on the voyage by natural disease. The collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal; but such payment shall in no case be awarded or made to any board, or commission, or association, formed for the protection or advancement of any particular class of emigrants, or emigrants of any particular nation or creed.

**§ 4269. Refusal to pay.**—Every master, owner, or consignee of any vessel, who refuses or neglects to pay to the collector any sum of money required, within the time prescribed by the preceding section, shall be liable to a penalty of fifty dollars, in addition to such sum of ten dollars, for each passenger upon whose death the same has become payable, to be recovered by the United States

in any circuit or district court of the United States where such vessel may arrive, or such master, owner, or consignee may reside; and the money shall be disposed of in the same manner as is directed with respect to the sums required to be paid to the collector of customs.

**§ 4270. Recovery of penalties.**—The amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant-vessels shall be liens on the vessel violating those provisions, and such vessel shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive. [See § 629.]

The Manhattan, 2 Ben. 89. This section does not apply to the fine imposed on the master by section one upon his conviction for a misdemeanor, but only to the civil penalties imposed—The Candace, 1 Low. 126; Desty S. & A. § 266.

**§ 4271. Vessels belonging to colonization societies.**—Any vessel which may be employed by the American Colonization Society, or the colonization society of any State, to transport, and which shall actually transport, from any port of the United States to any colony on the west coast of Africa, colored emigrants to reside there, shall be subject to the operation of the foregoing provisions regulating the carriage of passengers in merchant vessels.

**§ 4272. Examination of emigrant-vessels.**—The collector of the customs shall examine each emigrant-vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and, if none, what precautionary measures, arrangements, or habits, are supposed to have had any, and what, agency in causing the exemption.

**§ 4273. Informers.**—Informers shall be entitled to one-half of any penalty or fine collected under the provisions relating to the transportation of passengers in vessels to or from any foreign port or place other than foreign contiguous country, upon their information.

**§ 4274. Carrying passengers without the United States.**—The provisions of this Title relating to the transportation of passengers between the United States and

any port other than foreign contiguous territory, except such as relate to lists or manifests of passengers, shall apply to all vessels owned, in whole or in part, by citizens of the United States, and registered, enrolled, or licensed within the United States, and to all masters thereof carrying passengers or intending to carry passengers from any foreign port without the United States to any other foreign port without the United States, and all the penalties and forfeitures provided for in such provisions shall apply to such vessels and masters.

**§ 4275. Emigrants, visiting part of vessel assigned to.** — Neither the officers, seamen, nor other persons employed on board of any vessel bringing emigrant passengers to the United States, or any of them, shall visit or frequent any part of such vessel assigned to emigrant passengers, except by the direction or permission of the master of such vessel first made or given for such purpose. Every officer, seaman, or other person employed on board of such vessel, who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall forfeit to the vessel his wages for the voyage of the vessel during which the offense has been committed.

Seduction of female passenger is punishable by imprisonment not more than twelve months, or by a fine of not more than one thousand dollars—Rev. Stats. sec. 5349. The court may direct the fine to be paid to the female seduced or her child—Ibid. sec. 5450. Convictions cannot be had on the testimony of the female alone, nor unless the indictment be found within a year after arrival of the vessel—Ibid. sec. 5351.

**§ 4276. Penalty for permitting such visits.** Every master who directs or permits any officer or seaman or other person employed on board of any vessel to visit or frequent any part of such vessel assigned to emigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board the vessel, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of fifty dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman, or other person employed on board of such vessel.

**§ 4277. Notice to be posted in emigrant-vessels.** The master of every vessel bringing emigrant passengers to the United States shall post a written or printed notice in the English, French, and German languages containing the provisions of the two preceding sections in a conspicu-

ous place on the forecastle, and in the several parts of the vessel assigned to emigrant passengers, and keep the same so posted during the voyage; and if he neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars.

**§ 4278. Nitro-glycerine, transportation of.**—It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitro-glycerine, or glynoin oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign country and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof.

The offense of transporting nitro-glycerine, etc., is punished by a fine of not less than one thousand dollars nor more than ten thousand dollars, one-half to the use of the informer—Rev. Stats. sec. 5353. Death caused by transportation of prohibited articles is deemed manslaughter—Ibid. sec. 5354.

**§ 4279. Packing and marking nitro-glycerine.**—It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be non-explosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitro-glycerine, dangerous."

Transportation of nitro-glycerine, etc., how allowed—Rev. Stats. sec. 5355.

**§ 4280. Regulation by States of traffic in nitro-glycerine.**—The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from

prohibiting the traffic in or transportation of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein.

§ 4281. **Liability as carriers.**—If any shipper of platinum, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or time-pieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title-deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

§ 4282. **Loss by fire.**—No owner of any vessel shall be liable to answer for or make good to any person any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

This section exempts the owners from liability for the negligence of their officers and agents, in which the owners have not directly participated.—*Walker v. Transp. Co.* 3 Wall. 150. Restriction of liability.—*City of Hartford v. Mint*, 11 Blatchf. 290. The part owners personally, and also their interest in the vessel, are exempted from liability.—*The Bark Whistler*, 2 Sawy. 348. And see *Norwich Co. v. Wright*, 13 Wall. 104; *Moore v. Amer. Trans. Co.* 24 How. 1; *Desty S. & A.* § 262.

§ 4283. **Liability of owner not to exceed his interest.**—The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by

collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

The Act of Congress limiting the liability of ship-owners is not retrospective—*Kelley v. Kelso*, 5 Ohio St. 198; *Desty S. & A.* § 45, 262. The owners are responsible for all the obligations of the master, *ex contractu*, to the full amount; but for his obligations, *ex delicto*, they are not liable beyond the value of the vessel and freight, or of their interest in the ship and cargo—*The Rebecca*, 1 Ware, 188; *Stinson v. Wynnan*, 2 Ware, (Dav.) 172; *Joy v. Allen*, 2 Wood. & M. 318; *Porter v. Andrews*, 7 Johns. 350; *Ramsay v. Allegre*, 12 Wheat. 611; *Thomas v. Osborn*, 19 How. 33; *Desty S. & A.* § 38. Section three of the act of Congress does not limit or affect the liability of the owners for loss, damage, or injury resulting through the fault of such vessel to another vessel and her cargo from a collision—*Wright v. Norwich & N. Y. T. Co.* 8 Blatchf. 28; *Moore v. American T. Co.* 24 How. 1; *Ryegate v. Wardsboro*, 30 Vt. 746; *Simonds v. Powers*, 28 Vt. 354. Owners in fault liable to extent of freight then pending—*Allen v. Mackay*, 1 Sprague, 219. "Freight" includes earnings of vessel in transporting goods of her owners—*Allen v. Mackay*, 1 Sprague, 219.

§ 4284. **General average of losses.**—Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel, in proportion to their respective losses; and for that purpose the freighters and owner of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

The word "owner" in the seventh line stricken out, and the word "owners" inserted—Amendatory Act 27th February, 1877; 19 U. S. Stats. 261—*Norwich Co. v. Wright*, 13 Wall. 122; *The City of Norwich*, 1 Ben. 89; *Desty S. & A.* § 290.

§ 4285. **Transfer of interest to trustee.**—It shall be deemed a sufficient compliance on the part of such owner with the requirements of this Title relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer all claims and proceedings against the owner shall cease.

*Norwich Co. v. Wright*, 13 Wall. 104.

**§ 4286. When charterer is deemed owner.**—The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

When a vessel is navigated under the entire control, and for the exclusive benefit of a third person, such person *pro hac vice* is the owner and liable for supplies—*Jones v. Blum*, 2 Rich. 475; *Webb v. Pierce*, 1 Curt. 104; 5 Law Rep. N. S. 9; *Mayo v. Snow*, 2 Curt. 102; 7 Law Rep. N. S. 495; *Fox v. Holt*, 35 Conn. 538; *Houston v. Darling*, 16 Me. 413. The owner *pro hac vice* is personally liable—*Thorp v. Hammond*, 12 Wall. 408; *Desty S. & A.* § 50, 262.

**§ 4287. Remedies reserved.**—Nothing in the five preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

*Norwich Co. v. Wright*, 13 Wall. 106.

**§ 4288. Inflammable materials.**—Any person shipping oil of vitriol, unslacked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be liable to the United States in a penalty of one thousand dollars. But this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation.

**§ 4289. Exception to limitation of liability.**—The provisions of \* the seven preceding sections relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation.

\* The words "this title" stricken out, and the words "the seven preceding sections" inserted—Amendatory Act of 18th February, 1875; 18



U. S. Stats. 320. No part of the act is to apply to the owner of any canal-boat, barge, or lighter, or to any vessel used in inland navigation—*The Niagara v. Cordes*, 21 How. 26; *Moore v. Amer. Transp. Co.* 24 How. 1. It does not include vessels used on the great lakes—*Moore v. Amer. Transp. Co.* 24 How. 1. The act exempts liability in cases of embezzlement or loss of goods, or for loss or damage by collision—*Moore v. Amer. Transp. Co.* 24 How. 1; *Desty S. & A.* § 262.

## CHAPTER SEVEN.

## LOG-BOOKS.

- § 4290. Entries in log-book.
- 4291. Mode of making entries.
- 4292. Penalty for omitting entries.

§ 4290. **Entries in log-book.**—Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and \* ninety-seven.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

\* The word "thirty" in the second subdivision stricken out, and the word "ninety-seven" inserted—Amendatory Act of February 27th, 1877; 19 U. S. Stats. 251. Enumeration of offenses of seamen—See *post*, § 4596.

§ 4291. **Mode of making' entries.**—Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

Entry of offenses in log-book—See *post*, § 4597.

§ 4292. **Penalty for omitting entries.**—If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

## CHAPTER EIGHT.

REGULATIONS FOR THE SUPPRESSION  
OF PIRACY.

- 4293. Public vessels to suppress piracy.
- 4294. Seizure of piratical vessels.
- 4295. Merchant-vessels may resist pirates.
- 4296. Condemnation of piratical vessels.
- 4297. Seizure of vessels fitted out for piracy.
- 4298. What vessels may be authorized to seize pirates.
- 4299. Duty of officers of customs and marshals.

§ 4293. **Public vessels to suppress piracy.**—The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant-vessels of the United States and their crews from piratical aggressions and depredations.

The *Marianna Flora*, 11 Wheat. 1.

§ 4294. **Seizure of piratical vessels.**—The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

The *Marianna Flora*, 11 Wheat. 1; The *Palmyra*, 12 Wheat. 1.

§ 4295. **Merchant-vessels may resist pirates.** The commander and crew of any merchant-vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue

and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

*The Marianna Flora*, 11 Wheat. 1; *The Malek Adhel*, 2 How. 210.

**§ 4296. Condemnation of piratical vessels.**—Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

*The Marianna Flora*, 11 Wheat. 1; *The Palmyra*, 12 Wheat. 1; *The Malek Adhel*, 2 How. 210.

**§ 4297. Seizure of vessels fitted out for piracy.** Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

**§ 4298. What vessels may be authorized to seize pirates.**—The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the com-

manders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

§ 4299. Duties of officers of customs and marshals.—The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section forty-two hundred and ninety-seven, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

## CHAPTER FIVE.

## SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS.

- 4300. When summary trials may be had.
- 4301. Complaint and answer.
- 4302. Amendments and adjournments.
- 4303. Challenges to jurors.
- 4304. Limit of sentences.
- 4305. Recovery of penalties and forfeitures under navigation laws.

**§ 4300. When summary trials may be had.**—Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term-time or vacation.

Jurisdiction attaches in District Courts—Rev. Stats. sec. 563.

**§ 4301. Complaint and answer.**—At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded with

in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

**§ 4302. Amendments and adjournments.**—It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

**§ 4303. Challenges to jurors.**—At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

Trial of challenges by the court—Rev. Stats. sec. 819.

**§ 4304. Limit of sentences.**—It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

**§ 4305. Recovery of penalties and forfeitures.** All the penalties and forfeitures which may be incurred for offenses against this Title may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.



## TITLE XLIX.

REGULATION OF VESSELS IN FOREIGN  
COMMERCE.

- § 4306. Passports of vessels on departure to foreign country.
- § 4307. Penalty for departing without passport.
- § 4308. Passports of unregistered vessels.
- § 4309. Deposit of ship's papers with consul.
- § 4310. Penalty for failure to deposit papers with consul.

§ 4306. **Passports of vessels.**—Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

§ 4307. **Departing without passport.**—If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

§ 4308. **Passports of unregistered vessels.**—Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport,

for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

**§ 4309. Deposit of papers with consul.**—Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers.

**§ 4310. Failure to deposit papers with consul.**—Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

## TITLE L.

REGULATION OF VESSELS IN DOMESTIC  
COMMERCE.

4311. What are deemed vessels of the United States.  
 4312. What vessels may be enrolled.  
 4313. Enrollment of vessels owned by corporations.  
 4314. Oath of president, etc., of corporation.  
 4315. Death, etc., of president of corporation.  
 4316. Enrollment of steamboats owned by aliens.  
 4317. Bond by alien owner.  
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 4319. Form of enrollment of vessels.  
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 4321. Form of license.  
 4322. Exchange of enrollment and registry.  
 4323. Exchange when vessel is in another district.  
 4324. Expiration of license.  
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 4329. Renewal upon sale of vessel.  
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 4340. Enrollments at Jersey City.  
 4341. Enrollments at Camden.  
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 4344. Surveyors may be authorized to enroll vessels.  
 4345. Surveyors at Cold Spring, Greenport, and Port Jefferson.  
 4346. Fees of surveyors for enrollment.  
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 4351. Delivery of manifest before unloading.  
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 4353. Manifests and permits for vessels trading between remote districts.  
 4354. Penalty for proceeding without manifest and permit.  
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 4356. Penalty for not delivering up manifest.

- 4357. Trade between Long Island and Rhode Island.
- 4358. Trade between Alaska and other districts.
- 4359. Exemption from requirements as to manifests and permits.
- 4360. Penalties for not exhibiting manifest, etc.
- 4361. Registered vessels.
- 4362. Permits for transportation inland.
- 4363. Penalty for failure to report arrival of merchandise transported inland.
- 4364. Permit to touch at foreign port.
- 4365. Penalty for touching at foreign port without permission.
- 4366. Report of arrival at port other than that of destination.
- 4367. Foreign vessels bound coastwise.
- 4368. Delivery of manifest by foreign vessel.
- 4369. Penalty against foreign vessels trading coastwise.
- 4370. Penalty upon foreign tug-boats towing vessels between United States ports.
- 4371. Penalty for trading without license.
- 4372. Expiration of license at sea.
- 4373. Penalty for illegal enrollment or license.
- 4374. Penalty for malfeasance.
- 4375. Penalty for forgery and alteration.
- 4376. Penalty for obstructing officers.
- 4377. Penalty for violations of license.
- 4378. Exceptions to forfeitures.
- 4379. Notice of seizure.
- 4380. Recovery of forfeitures and penalties.
- 4381. Fees.
- 4382. Fees on frontiers.
- 4383. Posting table of fees.
- 4384. Vessels liable for fees for enrollment.
- 4385. Lighters and boats.
- 4386. Transportation of animals.
- 4387. Animals to be fed and watered; lien.
- 4388. Penalty for neglect.
- 4389. Penalties, how recovered; prosecutions.
- 4390. Lien, how enforced.

### § 4311. What are vessels of the United States.—

Vessels of twenty tons and upward, enrolled in pursuance of this Title, and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting-trade or fisheries.

What are vessels of the United States—See *ante*, secs. 4131, 4220. Canal-boats, or boats employed on the internal waters or canals of any State, excepting only such as are provided with sails or propelling machinery adapted to lake or coastwise navigation, and excepting those employed in trading with the Canadas, shall be exempt from the provisions of this act—Act of April 18th, 1874; 18 U. S. Stats. 31. License construed, *Gibbons v. Ogden*, 9 Wheat. 1; *Sinnot v. Davenport*, 22 How. 227; *Gilman v. U. S.* 3 Wall. 738; *Desty S. & A.* § 8.

### § 4312. What vessels may be enrolled.—

In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering

a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels.

Vessels entitled to registry—secs. 4132, 4221. The same requirements and qualifications and the same proceedings shall be had in the enrollment of vessels as are prescribed for the registry of vessels—*The Mohawk*, 5 Wall. 566; *The Acorn*, 2 Abb. U. S. 434; *The Two Friends*, 1 Gall. 118; *U. S. v. The Forrester*, Newb. 81; *Fox v. The Lodemla*, Crabbe, 271; *Sinnot v. Davenport*, 22 How. 227; *Desty S. & A.* § 22.

**§ 4313. Enrollment of vessels owned by corporations.**—Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

**§ 4314. Oath of president.**—Previously to granting enrollment and license for any vessel, owned by any company, the president or secretary of such company shall swear to the ownership of such vessel, by such company, without designating the names of the persons composing such company; which oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

**§ 4315. Death of president.**—Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any \*steamboat or vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

\*“Steamboat or” inserted by amendment February 27th, 1877. (19 U. S. Stats. 251.)

The words “steamboat or” in second line stricken out—*Amendatory Act*, Feb. 27th, 1877; 19 U. S. Stats. 251.

**§ 4316. Enrollment of steamboats owned by aliens.**—Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed, as if the same belonged to a citizen of the United States, subject to all the provisions of this Title, except that, in such case, no oath shall be required that the boat belongs to a citizen of the United States.

§ 4317. **Bond by alien owner.**—Such resident alien, owner of any steamboat, upon application for enrollment or license, shall give bond to the collector of the district, for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States.

§ 4318. **Enrollment of vessels on frontiers.**—Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessels shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.

\* The word "register" stricken out, and the word "registry" inserted—Amendatory Act, Feb. 27th, 1877; 19 U. S. Stats. 251. The certificate of enrollment of vessels on the northern frontier necessarily engaged in both foreign and domestic commerce is equivalent to both a registry and an enrollment—The Mohawk, 3 Wall. 566; U. S. v. The Forrester, Newb. 81; Desty S. & A. § 22.

§ 4319. **Form of enrollment.**—The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following form: Enrollment. In conformity with Title L, "REGULATION OF VESSELS IN DOMESTIC COMMERCE," of the Revised Statutes of the United States, (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,) having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she, and if more than one owner adding the words 'together with,' and the name or names, occupation or occupations, place or places of abode of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said ship or vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having cer-

tified that the said ship or vessel has (inserting here the number of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head), and the said (naming the owner or the master, or other person acting in behalf of the owner or owners) by whom the certificate of measurement shall have been countersigned, having agreed to the description and measurement above specified, and sufficient security having been given, according to the said \*Title, the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length)."

\*The word "form" inserted after "following" and the word "title" inserted in place of the word "act," stricken out—Amendatory Act, Feb. 27th, 1877; 19 U. S. Stats. 251. An omission in the registry or enrollment of an American vessel only deprives her of her American privileges—*Fox v. The Lodemia, Crabbe, 271*; *Desty S. & A. § 22.*

**§ 4320. License of vessels.**—In order to the licensing of any vessel for carrying on the coasting-trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty tons, the sum of one hundred dollars; and if twenty tons and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such vessel has been employed in any trade whereby the revenue of the United States has been defrauded, during the time the license granted to such vessel remained in force. The master of such vessel shall also swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it is specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than twenty tons burden, the hus-

band or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong,\* to grant a licensé.

\*The words, "the duty of six cents per ton being first paid," were stricken out by Act of February 27th, 1877—19 U. S. Stats. 251.

The delivery of the enrollment and license is not essential—The Planter, Newb. 262; Desty S. & A. § 22.

§ 4321. Form of license.—The form of a license for carrying on the coasting-trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be).

"In pursuance of Title L, 'REGULATION OF VESSELS IN DOMESTIC COMMERCE,' of the Revised Statutes of the United States, (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having given bond that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length").

A vessel licensed in the cod fishery is not authorized by her license to engage in the mackerel fishery—U. S. v. The Paryntha Davis, 1 Cliff. 308; The Nymph, 1 Sum. 516; The Planter, Newb. 262; Desty S. & A. § 22.



**§ 4322. Exchange of enrollment and registry.—**

The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up.

The vessel may change from registry to enrollment, or from enrollment and license to registry—U. S. v. Shackford, 5 Mason, 445; U. S. v. Rogers, 3 Sum. 342; Desty S. & A. § 20.

**§ 4323. Exchange when vessel is in another district.—**

When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Register of the Treasury; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of one hundred dollars.

Arrival means not an accidental arrival, or one from necessity, but intentionally, as of one of the termini of the voyage—U. S. v. Shackford, 5 Mason, 445; 1 Ware, 171; The Vincennes, 21 Law Rep. 616; Desty S. & A. § 17.

**§ 4324. Expiration of license.—**No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

**§ 4325. Surrender of license.—**The license granted to any vessel shall be given up to the collector of the district who may have granted the same, within three days after the expiration of the time for which it was granted, in case such vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterward, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master

thereof shall neglect or refuse to deliver up the license, he shall be liable to a penalty of fifty dollars.

A coaster cannot be sold in a foreign port, unless her license be personally surrendered—U. S. v. The Hawke, Bee, 24; Desty S. & A. § 27.

**§ 4326. Loss of license.**—If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title, and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it cannot be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

**§ 4327. Renewal of license.**—The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with.

**§ 4328. Renewal when vessel is in another district.**—Whenever it becomes necessary for the owner of any vessel of the United States navigating the western rivers or the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is as are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the giving of bond and the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon, on the owner giving bond as required in other cases, duly enroll the vessel and issue license in the same form as if the application

had originally been made in his office; and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel.

Provisions extended to include all vessels of the United States navigating the waters of the United States—Act of April 17th, 1874; 18 U. S. Stats. 30.

**§ 4329. Renewal upon sale of vessel.**—Whenever it appears, by satisfactory proof, to the Secretary of the Treasury that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same.

**§ 4330. Oath as to payment for repairs.**—No license, or enrollment and license, nor renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

Duty payable on equipments of a United States vessel procured in a foreign port—Rev. Stats. sec. 3114. Remission for necessary repairs—*Ibid.* sec. 3115.

**§ 4331. Measurement of vessels less than twenty tons.**—Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless

such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license.

As to measurement of vessels—and see *ante*, §§ 4148-4155.

**§ 4332. Signatures to enrollment, license, &c.**—In every case where the collector is by this Title directed to grant any enrollment, license, certificate, permit, or other document, the naval officer residing at the port, if there be one, shall sign the same; and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any permit, as is provided for in this Title, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides.

**§ 4333. Record of licenses.**—The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the Treasury copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered, by her former name.

**§ 4334. Name on stern of vessel.**—Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of twenty dollars.

See, as to registered vessels, *ante*, § 4178.

**§ 4335. Change of master.**—Whenever the master of any licensed vessel, ferry-boats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the

revenue of the United States may be defrauded, shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as herein required, such vessel, if found carrying on the coasting-trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of ten dollars.

**§ 4336. Inspection.**—Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of one hundred dollars.

**§ 4337. Penalty for unlawfully proceeding upon foreign voyage.**—If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture.

A licensed vessel is subject to forfeiture for proceeding on a foreign voyage—*The Active v. U. S.* 7 Cranch, 100; *The Resolution*, 2 Gall. 47; *U. S. v. The Mars*, 1 Gall. 237; *The Julia*, 1 Gall. 43; *The Eliza*, 2 Gall. 7; *U. S. v. The Paryntha Davis*, 3 Ware, 162; *Taber v. U. S.* 1 Story, 1; *U. S. v. The Hawke, Bee*, 34; *The Friendship*, 1 Gall. 45; *The Lark*, *Ibid.* 55; *The Three Brothers*, *Ibid.* 142; *Desty S. & A.* § 27.

**§ 4338. Certificate for foreign voyage.**—If the port from which any vessel, so enrolled or licensed is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

**§ 4339. Papers for whale-fishery.**—All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries.

§ 4340. **Enrollments at Jersey City.**—The assistant collector at Jersey City may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey.

§ 4341. **Enrollments at Camden.**—The assistant collector for the port of Camden, in New Jersey, may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's Creek, in the county of Salem, in the State of New Jersey.

§ 4342. **Enrollments at Wilmington, N. C.**—The owners of vessels residing on New River, in Onslow County, in the State of North Carolina, shall have the privilege of taking out registers or enrollments and licenses at Wilmington, in that State, and the collector of that district may grant the same on the conditions required by law.

§ 4343. **Enrollments at Chesapeake City, Md.** The deputy collector who may be appointed to reside at Chesapeake City, in Maryland, shall have power to grant enrollments and licenses to vessels.

§ 4344. **Surveyors authorized to enroll vessels.** The Secretary of the Treasury may authorize the surveyor of any port of delivery, under such regulations as he shall deem necessary, to enroll and license vessels to be employed in the coasting-trade and fisheries, in like manner as collectors of ports of entry are authorized to do.

§ 4345. **Surveyors at Cold Spring, etc.**—The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale-fisheries, under such restrictions and regulations as the Secretary of the Treasury may deem necessary.

§ 4346. **Fees for enrollment.**—Any surveyor who shall perform the duties directed to be performed by the two preceding sections shall be entitled to receive the same commissions and fees as are allowed by law to collectors, for performing the same duties.

**§ 4347. Merchandise in foreign vessels.**—No merchandise shall be \* transported under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power; but this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise, other than that imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States: *Provided, however,* That from the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five, inclusive, and article thirty of said treaty; and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *And provided further,* That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and the Government of the United States: *And provided further,* That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in article twenty-seventh of said treaty: *And provided further,* That in case any export or other duty continues to be levied after the sixteenth day of June, eighteen hundred and seventy-two, \* on lumber or timber of any kind cut on that portion of the American territory in the State of Maine, watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, sus-

pend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

\*The word "imported" was changed to "transported," by Act of Feb. 27th, 1877; 19 U. S. Stats. 251.

\*The word "on" substituted for "no"—Amend. Act Feb. 18th, 1875; 18 U. S. Stats. 320.

**§ 4348. Great districts.**—The sea-coast and navigable rivers of the United States shall be divided into three great districts: the first to include all the collection-districts on the sea-coast and navigable rivers, between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection-districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande; and the third to include all the collection-districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido.

**§ 4349. Manifests for neighboring districts.**—The master of every vessel under twenty tons burden licensed for carrying on the coasting-trade, destined from a district in one State to a district in the same or an adjoining State, on the sea-coast or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board either distilled spirits in casks exceeding five hundred gallons, wines in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained



to the United States to a district other than the same or an adjoining State, on the sea-coast, or on any navigable river, and of every vessel of the burden of ten tons and upward, destined to a district other than that in which it is to arrive, or to a port within the same great district, or to a port adjoining such great district, shall, previous to departure, deliver to the collector residing at the port to which such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to the collector nearest to the port at which such vessel is to arrive, manifests of the whole cargo on board, and, where there is no cargo on board, he shall so certify. If there are any distilled spirits, or merchandise of foreign growth or manufacture on board, other than such as are to be deemed sufficient for the purposes of the collector, he shall specify in such manifests the marks of every cask, bag, box, chest, or package containing such spirits, wine, or other liquor, with the name, and place of residence of the shipper and consignee of such distilled spirits, wine, or other liquor, and the nature and quantity of foreign growth or manufacture, and the name of the vessel by which it was shipped by and to each. The manifests shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that the duties of foreign growth or manufacture on board are, to the best of his knowledge and belief, legally imported, and that the duties thereupon paid or secured; or, if the duties are not paid or secured within the United States, that the duties thereon have been duly paid or secured. Upon the performance of the foregoing provisions, and not before, the collector shall certify the same on the manifests or certificates, and shall return to the master, with a copy of the same, a receipt therefor, authorizing him to proceed to the port of destination.

More than twenty tons burden are not required to be manifested.—*The America*, 1 Gall. 231; *U. S. v. Carr*, 3 Gall. 57.

**For proceeding without.**—If any vessel is arrested in the preceding section, and the master thereof shall not be able to produce the manifests, or certificates, or receipts, or other documents required by the collector, he shall be liable to a fine of not more than \$100, and to imprisonment for not more than six months.

eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea-coast, or on a navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unloading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifests thereof, as is hereinbefore directed, to the truth of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unloading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear.

Merely having on board foreign goods, without exhibiting a manifest, is not a cause of forfeiture—The America, 1 Gall. 231; *Desty S. & A.* § 28.

**§ 4352. Penalty for not delivering up manifest.**—If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of one hundred dollars.

**§ 4353. Manifests between remote districts.**—The master of every vessel under twenty tons of burden licensed for carrying on the coasting-trade, and destined

from a district of the United States to a district other than a district in the same or an adjoining State, on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifests of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there are any distilled spirits, or merchandise of foreign growth or manufacture on board, other than what may by the collector be deemed sufficient for sea-stores, he shall specify in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such distilled spirits, or merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United States, that the duties thereupon have been duly paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates; one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination.

Coasting vessels of less than twenty tons burden are not required to enter or exhibit a manifest—The *America*, 1 Gall. 231; U. S. v. Carr, 8 How. 1; *Desty S. & A.* § 7.

**§ 4354. Penalty for proceeding without.**—If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of one hundred dollars; or, if the lading be of goods the growth or manufacture of the United States only, or if such vessel have

no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of fifty dollars.

It is not necessary to the liability to the penalty that it should appear that the master had knowledge that the goods were on board—U. S. v. Carr, 8 How. 1; *Desty S. & A.* § 28.

**§ 4355. Delivery of manifest before unloading.**—The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unloading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed; and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then, any more or other merchandise of foreign growth or manufacture, or distilled spirits, if there be any, other than sea-stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unloading the whole or part of such cargo, if there be any within his district, as the master may request; and where a part only of the merchandise of foreign growth or manufacture, or of distilled spirits, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon his permission for such vessel to proceed to the place of her destination.

**§ 4356. Penalty for not delivering up manifest.—**

If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of one hundred dollars, and the merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

**§ 4357. Trade between Long Island and Rhode Island.—**Coasting-vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

**§ 4358. Trade between Alaska and other districts.—**The coasting trade between the territory ceded to the United States by the Emperor of Russia and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. [See §§ 1954-1958.]

**§ 4359. Exemption from requirements as to manifests and permits.—**Nothing in this Title shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the sea-coast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within the State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except distilled spirits, or distilled spirits not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or merchandise consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggre-

gate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated.

**§ 4360. Penalties for not exhibiting manifest, &c.**—Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, \* and does not exhibit the same, as required in the preceding section, if the lading of such vessel consist wholly of merchandise the produce or manufacture of the United States, distilled spirits excepted, he shall be liable to a penalty of twenty dollars, or if there be distilled spirits, or merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea-stores, he shall be liable to a penalty of forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of one hundred dollars. If any of the merchandise laden on board of such vessel be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited.

\* The word "and" inserted after "manifest," Amend. Act Feb. 18th, 1875; 18 U. S. Stats. 320. The Act of Congress provides a penalty for the transportation of goods of foreign growth or manufacture across the several States—*Prestman v. U. S.* 4 Dall. 28; *U. S. v. The Forester*, Newb. 81; *Desty S. & A.* § 28.

**§ 4361. Registered vessels.**—Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her de-

parture from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting-trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessels, from a foreign port, and on which the duties have not been paid according to law.

**§ 4362. Permits for transportation inland.**—The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and the collector of the district of New York may grant like permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than eight hundred dollars, the permit shall not be deemed necessary.

**§ 4363. Failure to report arrival of merchandise transported inland.**—The owner or consignee of all merchandise transported under the provisions of the preceding section and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which said merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person

to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of fifty dollars for every twenty-four hours it shall be withheld afterward.

**§ 4364. Permit to touch at foreign port.**—Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

**§ 4365. Touching at foreign port without permission.**—Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

**§ 4366. Arrival at port other than that of destination.**—The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of twenty dollars.

**§ 4367. Foreign vessels bound coastwise.**—The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.



**§ 4368. Delivery of manifest by foreign vessel.**—The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unloading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

**§ 4369. Foreign vessels trading coastwise.**—Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of one hundred dollars. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

**§ 4370. Foreign tug-boats towing vessels between United States ports.**—All steam tug-boats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

**§ 4371. Trading without license.**—Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this Title, if laden with mer-

chandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

See as to tonnage dues, *ante*, § 4219.

**§ 4372. Expiration of license at sea.**—If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required. [See § 4219.]

**§ 4373. Illegal enrollment or license.**—Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this Title, or takes any other or greater fees than are by this Title allowed, or receives for any service performed pursuant to this Title, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or naval officer a false description of any vessel, to be enrolled or licensed, in pursuance of this Title, shall be liable to a penalty of five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

**§ 4374. Penalty for malfeasance.**—Every person, authorized and required by this Title to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this Title, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of five hundred dollars for the first offense, and of like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

**§ 4375. Forgery and alteration.**—Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this Title, to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of five hundred dollars.

Forgery or alteration of ship's papers or Custom House documents is a crime punishable by fine of not more than one thousand dollars, and by imprisonment not more than three years—Rev. Stats. sec. 5423.

**§ 4376. Obstructing officers.**—Every person who assaults, resists, obstructs, or hinders any officer in the execution of any act or law relating to the enrollment, registry, or licensing of vessels, or of this Title, or of any of the powers or authorities vested in him by any such act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of five hundred dollars.

**§ 4377. Violation of license.**—Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is found with a forged or altered license, or one granted for any other vessel, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel-fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever.

Any engagement in unauthorized or illegal traffic, or any employment beyond the scope of the license, works a forfeiture—*The Active* v. *The U. S.* 7 Cranch, 100; *1 Paine*, 247; *U. S. v. The Paryntha Davis*, 1 Cliff. 532; *3 Ware*, 161; *The Nymph*, 1 Ware, 257; *1 Story*, 516; *The Reindeer*, 3 Wall. 983; *The Eliza*, 2 Gall. 4; *The Julia*, 1 Gall. 233; *U. S. v. The Hawke, Bee*, 34; *Desty S. & A.* § 28. The Registry Act permits sales of vessels in a foreign port or at sea to foreigners, but the Licensing Act prohibits a sale to foreigners—*U. S. v. The Hawke, Bee*, 34; *The Active* v. *U. S.* 7 Cranch, 100; *The Two Friends*, 1 Gall. 118; *The Julia*, *Ibid.* 233; *U. S. v. The Mars*, *Ibid.* 237; *The Eliza*, 2 Gall. 4; *The Nymph*, 1 Sum. 516; *Desty S. & A.* § 20.

**§ 4378. Exception to forfeiture.**—Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this Title.

Although a licensed fishing vessel is liable to forfeiture for carrying goods destined for another place without a license, yet the cargo is not

forfeited, unless it belongs to the master, owners, or a mariner—The Active, 7 Cranch, 100; The Two Friends, 1 Gall. 118; Desty S. & A. § 28.

**§ 4379. Notice of seizure.**—In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him.

**§ 4380. Recovery of forfeitures and penalties.** All penalties and forfeitures which shall be incurred by virtue of this Title may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed.

*Keene v. U. S.* 5 Cranch, 304. As to custody of goods seized, institution of suits, lien for violation of law, costs of prosecution, and distribution of forfeitures, see Rev. Stats. secs. 3086-3090.

**§ 4381. Fees.**—The following fees shall be levied and collected from the owners and masters of all vessels except those navigating the waters of the northern, north-eastern, and northwestern frontiers, otherwise than by sea:

First. For measuring every vessel, in order to the enrollment or licensing and recording the same, the fees prescribed for like services in order to the registry of vessels.

Second. For every certificate of enrollment, fifty cents.

Third. For every endorsement on a certificate of enrollment, twenty cents.

Fourth. For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty and not more than one hundred tons, fifty cents; and if more than one hundred tons, one dollar.

Fifth. For every endorsement on a license, twenty cents.

Sixth. For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty-five cents,\* if less than fifty tons; and if above fifty tons, fifty cents.

Seventh. For receiving a certified manifest, and granting a permit, on the arrival of such vessel, twenty-five

cents, if less than fifty tons; and if above fifty tons, fifty cents.

Eighth. For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one dollar and fifty cents.

Ninth. For receiving a certified manifest, and granting a permit on the arrival of such registered vessel, one dollar.

Tenth. For granting a permit for a vessel not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two dollars.

Eleventh. For receiving a manifest, and granting a permit, to unload, for such last-mentioned vessel, on her arrival in one district from another district, two dollars.

Twelfth. For granting a permit for a vessel carrying on the fishery to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

\* Where a surveyor certifies a manifest, or grants a permit, or receives a certified manifest and grants a permit, the fees arising therefrom shall be received by him solely for his use; and all other fees arising by virtue of this section shall be received and accounted for by the collector, or, at his option, by the naval officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided monthly between the said officers; and where there is no naval officer, two-thirds to the collector and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportional part of such fees as shall arise at the port for which he is appointed; and in all cases where the tonnage of any ship or vessel shall be ascertained by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor out of the fees aforesaid, before any distribution thereof as aforesaid.

\* Added by amendment of February 27th, 1877, 19 U. S. Stats. 251.

After the word "cents," in sixth paragraph, a comma inserted, and after the words "less than fifty tons" a semicolon inserted, and all after sub. twelve inserted—Amend. Act of Feb. 27th, 1877, 19 U. S. Stats. 251.

**§ 4382. Fees on frontiers.**—The following fees shall be levied and collected from the owners and masters of vessels navigating the waters of the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea:

First. For the measurement of any vessel, the fees prescribed in Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION."

Second. For certificate of enrollment, including bond and oath, one dollar and ten cents.

Third. For granting license, including bond and oath, if not over twenty tons, forty-five cents.

Fourth. For granting license, including bond and oath, above twenty and not over one hundred tons, seventy cents.

Fifth. For granting license, including bond and oath, above one hundred tons, one dollar and twenty cents.

Sixth. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, under fifty tons, twenty-five cents.

Seventh. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, over fifty tons, fifty cents.

Eighth. For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, under fifty tons, twenty-five cents.

Ninth. For receiving manifest, including master's oath, on arrival of a vessel from one collection-district to another, whether touching at foreign intermediate ports or not, over fifty tons, fifty cents.

Tenth. For certifying a manifest, including master's oath, and granting permit to a vessel under fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, twenty-five cents.

Eleventh. For certifying a manifest, including master's oath, and granting permit to a vessel above fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, fifty cents.

Twelfth. For the entry of a vessel direct from a foreign port, fifty cents.

Thirteenth. For the clearance of a vessel direct to a foreign port, fifty cents.

Fourteenth. Vessels departing to or arriving from a port in one district to or from a port in an adjoining district, and touching at intermediate foreign ports, are exempted from the payment of the entry fees.

Fifteenth. For a port entry of such vessel, two dollars.

Sixteenth. For permit to land and deliver goods, twenty cents.

Seventeenth. For a bond taken officially, not otherwise provided for, fifty cents.

**Eighteenth.** For permit to load goods for exportation entitled to drawback, thirty cents.

**Nineteenth.** For debenture or other official certificate not otherwise provided for, twenty cents.

**Twentieth.** For recording all bills of sale, mortgages, hypothecations, or conveyances of vessels, fifty cents.

**Twenty-first.** For recording all certificates for discharging and canceling any such conveyances, fifty cents.

**Twenty-second.** For furnishing a certificate setting forth the names of the owners of any registered or enrolled vessel, the parts or proportions owned by each, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other encumbrance; the date, amount of such encumbrance, and from and to whom made, one dollar.

**Twenty-third.** For furnishing copies of such records for each bill of sale, mortgage, or other conveyance, fifty cents.

**Twenty-fourth.** For receiving manifest of each railroad car or other vehicle laden with goods, wares, or merchandise from a foreign contiguous territory, twenty-five cents.

**Twenty-fifth.** For entry of goods, wares, or merchandise for consumption, warehouse, rewarehouse, transportation, or exportation, including oath and permit to land or deliver, fifty cents.

**Twenty-sixth.** For certificate of registry, including bond and oath, two dollars and twenty-five cents.

**Twenty-seventh.** For indorsement of change of masters on registry, one dollar.

**§ 4383. Posting table of fees.**—Every collector and naval officer, and every surveyor residing at a port where there is no collector, shall cause to be affixed and constantly kept in some conspicuous place in his office a fair table of the rates of fees demandable by this Title.

**§ 4384. Vessels liable for fees for enrollment.** All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto.

**§ 4385. Lighters and boats.**—Nothing in this Title shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

**§ 4386. Transportation of animals.**—No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or

other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

**§ 4387. Animals to be fed and watered—Lien.** Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats or vessels transporting the same at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

**§ 4388. Penalty for neglect.**—Any company, owner, or custodian of such animals who knowingly and willfully fails to comply with the provisions of the two preceding sections, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

**§ 4389. Penalties, how recovered—Prosecutions.** The penalty created by the preceding sections shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States, holden within the district where the violation may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States Marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge.



The trial is to be in the judicial district where the seizure was made—*Keene v. U. S.* 5 Cranch, 304; *The Fidelity*, 1 Sawy. 155.

**§ 4390. Lien, how enforced.**—Any person or corporation entitled to a lien under section forty-three hundred and eighty-seven may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished, or the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the preceding sections.

The words "forty-four hundred and fifty-three," in the second line, stricken out, and the words "forty-three hundred and eighty-seven" inserted—Amend. Act of Feb. 27th, 1877, 19 U. S. Stats. 251.

## TITLE LI.

## REGULATION OF FISHERIES.

- § 4391. Agreement for fishing-voyage.
- 4392. Penalty for violating agreement.
- 4393. Recovery of shares of fish under agreement.
- 4394. Discharge of vessel upon bond of owner.
- 4395. Appointment of commissioner of fish and fisheries.
- 4396. Duties of commissioner.
- 4397. Executive Department to aid investigations.
- 4398. Powers of commissioner.

§ 4391. Agreement for fishing voyage.—The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod-fisheries, or the mackerel-fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing-voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing-season, and shall also express that the fish or the proceeds of such fishing-voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing-vessel or his agent.

License for the fisheries, how obtained, *ante*, § 4320. Form of, *ante*, §§ 4320-4321. The agreement under the Fishing Bounty Act of 29th July, 1813, 3 U. S. Stats. 29, did not require to be sworn to—U. S. v. Nickerson, 17 How. 204; *Desty S. & A.* § 25.

§ 4392. Violating agreement.—If any fisherman, having engaged himself for a voyage or for the fishing-season in any fishing-vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon

the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing-voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing-voyage refuses or neglects his proper duty on board the fishing-vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hinderance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

**§ 4393. Recovery of shares of fish under agreement.**—Whenever an agreement or contract is so made and signed for a fishing-voyage or for the fishing-season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing-voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

**§ 4394. Discharge of vessel upon bond by owner.**—When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction

of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

**§ 4395. Commissioner of fish and fisheries.**—There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employes of the Government, a commissioner of fish and fisheries, who shall be a person of proved scientific and practical acquaintance with the fishes of the coast, and who shall serve without additional salary.

**§ 4396. Duties of the commissioner.**—The commissioner of fish and fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress.

**§ 4397. Executive departments to aid investigations.**—The heads of the several Executive Departments shall cause to be rendered all necessary and practicable aid to the commissioner in the prosecution of his investigations and inquiries.

**§ 4398. Powers of commissioner.**—The commissioner may take or cause to be taken at all times, in the waters of the sea-coast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding.

## TITLE LII.

## REGULATION OF STEAM VESSELS.

## CHAPTER ONE.

## INSPECTION.

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**§ 4399. What are steam-vessels.**—Every vessel propelled in whole or in part by steam shall be deemed a steam-vessel within the meaning of this Title.

The provisions of the navigation laws of the United States are applicable to steam ferry-boats engaged in transporting goods and passengers upon navigable waters in one State destined for another State—U. S. v. Sussurick, 15 Int. Rev. Rec. 154; The Bright Star, 273; Desty S. & A. § 5.

**§ 4400. What vessels subject to this Title.**—All steam-vessels navigating any waters of the United States which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this Title.

**§ 4401. Navigating coastwise and on the lakes.** All coastwise sea-going vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam-vessels in passing, as provided by this Title; and every coastwise sea-going steam-vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high

seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

A coasting vessel employed in the transportation of passengers is as much a part of the merchant marine as is one employed in the transportation of a cargo—Passenger Cases, 7 How. 437; *Desty S. & A.* § 5.

**§ 4402. Supervising inspector-general.**— There shall be a supervising inspector-general, who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the steamboat-inspection service, and who shall be entitled to a salary of three thousand five hundred dollars a year, and his reasonable traveling expenses, or mileage at the rate of ten cents a mile, incurred in the performance of his duty.

**§ 4403. Duties of supervising inspector-general.** The supervising inspector-general shall, under the direction of the Secretary of the Treasury, superintend the administration of the steamboat-inspection laws, preside at the meetings of the board of supervising inspectors, receive all reports of inspectors, receive and examine all accounts of inspectors, report fully at stated periods to the Secretary of the Treasury upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations.

**§ 4404. Supervising inspectors.**— There shall be ten supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam-vessels, and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of three thousand dollars a year, and his actual and reasonable traveling expenses at the rate of ten cents a mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as may be given by the Secretary of the Treasury.

**§ 4405. Meetings of board—Assignment of districts.**— The supervising inspectors and the supervising inspector-general shall assemble as a board once in each

year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of the Treasury shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this Title, and such regulations, when approved by the Secretary of the Treasury, shall have the force of law. The supervising inspector for the district embracing the Pacific Coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meetings he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe.

They have power to make regulations not inconsistent with the general laws of navigation—The American Eagle, 1 Low. 425; *Desty S. & A.* § 266.

**§ 4406. Duties of supervising inspectors.**—Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this Title have been observed and complied with, both by the board of inspectors and the masters and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

**§ 4407. Duties of supervising inspectors as to violations of law.**—Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam vessel fails to perform his duties according to the provisions of this Title, he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and, if need be, he shall cause the negligent or offending party to be prosecuted; and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treas-



ury; who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent.

**§ 4408. Supervision of local boards.**—The supervising inspectors shall see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, by following out the provisions of this Title according to the true intent and meaning thereof; and they shall, as far as practicable, harmonize differences of opinion existing in different local boards.

**§ 4409. Supervision of districts not having inspectors.**—The supervising inspector shall visit any collection district in which there is at any time no board of inspectors, and within which steam-vessels are owned or\* employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam-vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local boards.

\*The word "or" substituted for "and"—Amend. Act, February 27th, 1877; 19 U. S. Stats. 251.

**§ 4410. Reports of supervising inspectors to board.**—Each supervising inspector shall report, in writing, at the annual meetings of the board, the general business transacted in his district during the year, embracing all violations of the laws regulating steam-vessels, and the action taken in relation to the same, all investigations and decisions by local inspectors, and all cases of appeal, and the result thereof; and the board shall examine into all the acts of each supervising inspector and local board, and all complaints made against the same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their journal; and the board shall, as far as possible, correct mistakes where they exist.

**§ 4411. Furnishing information to local inspectors.**—The board of supervising inspectors shall establish such regulations as may be necessary to make known in a proper manner, to local inspectors, the names of all persons licensed under the provisions of this Title, the names of all persons from whom licenses have been withheld, and the names of all whose licenses have been suspended

or revoked; also the names of all steam-vessels neglecting or refusing to make such repairs as may be ordered pursuant to law, and the names of all that have been refused certificates of inspection.

§ 4412. **Steamers passing each other.**—The board of supervising inspectors shall establish such regulations to be observed by all steam-vessels in passing each other, as they shall from time to time deem necessary for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicuous places in such vessels.

§ 4413. **Penalty for violation of regulations.**—Every pilot, engineer, mate, or master of any steam-vessel who neglects or willfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.

§ 4414. **Local inspectors.**—There shall be, in each of the following collection-districts, one inspector of hulls and one inspector of boilers; who shall be entitled to the following salaries, to be paid annually, under the directions of the Secretary of the Treasury:

In the districts of New York and New Orleans, to a salary of two thousand two hundred dollars a year each.

In the districts of Philadelphia, Baltimore, Buffalo, St. Louis, Louisville, Cincinnati, Pittsburgh, San Francisco, Boston, Detroit, Chicago, Milwaukee, Huron, and Galena, to a salary of two thousand dollars a year each.

In the district of Michigan, to a salary of nine hundred dollars a year.

In the districts of Mobile, Memphis, and Cleveland, to a salary of one thousand five hundred dollars a year each.

In the districts of Willamette, New London, Norfolk, Charleston, Savannah, Galveston, Albany, Wheeling, Nashville, Portland, and Evansville, to a salary of one thousand two hundred dollars a year each.

In the districts of Puget Sound, Apalachicola, Oswego, Burlington, and Superior, to a salary of eight hundred dollars a year each.

And in addition, the Secretary of the Treasury may appoint in such districts, where their services are actually required, assistant inspectors, at a salary, for the district of New York, of two thousand dollars a year each; and for all other districts, at a salary not exceeding one thousand

six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand two hundred dollars a year to each person so appointed. Every inspector shall be paid for his actual and reasonable traveling expenses, at the rate of ten cents per mile, incurred in the performance of his duty; together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury.

**§ 4415. Local inspectors, qualifications and appointment.**—Whenever any vacancy occurs in any local board of inspectors, or whenever local inspectors are to be appointed for a new district, the supervising inspectors shall notify the collector or other chief officers of the customs for the district, and the judge of the district court for the district in which such appointment is to be made, who, together with the supervising inspector, shall meet together as a board of designators, and fill the vacant or new inspectorship. Such board, or the major part thereof, when designating an inspector of hulls, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of hulls, and who, from his practical knowledge of ship-building and navigation and the uses of steam in navigation, is fully competent to make a reliable estimate of the strength, sea-worthiness, and other qualities of the hulls of steam-vessels and their equipment, deemed essential to safety of life in their navigation; and when designating an inspector of boilers, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of boilers, who, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery, and appurtenances therewith connected, is \* able to form a reliable opinion of the strength, form, workmanship, and suitability of boilers and machinery to be employed without hazard to life, from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. No appointment of an inspector of hulls \* or an inspector of boilers shall be made without the concurrence of the supervising inspector. The inspector\* of hulls and the inspector of boilers thus designated, when approved by the Secretary of the Treasury, shall, from the date of designation, constitute a board of local inspectors.

[Amended February 27th, 1877; 10 U. S. Stats. 251.]

\*The word "able" substituted for the word "llable"; "inspector" substituted for "inspectors"; and the words "or an inspector of boilers" inserted after the word "hulls" in the twenty-fifth line—Amend. Act February 27th, 1877; 19 U. S. Stats. 251.

**§ 4416. Who eligible as inspectors.**—No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this Title, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is directly or indirectly pecuniarily interested in any steam-vessel, or who has not the qualifications and acquirements prescribed by this Title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising or local inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector, he shall be deemed guilty of a misdemeanor, punishable by a fine of five hundred dollars, and shall be dismissed from office.

**§ 4417. Inspection of hulls.**—The local inspectors shall, once in every year, at least, upon application in writing of the master or owner, carefully inspect the hull of each steam-vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things, are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

**§ 4418. Inspection of boilers.**—The local inspectors shall also inspect the boilers of all steam-vessels before the same shall be used, and once at least in every year thereafter. They shall subject all boilers to the hydrostatic pressure; and shall satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient; that the flues are circular in form; that the fire-line of the furnace is at least two inches below the

prescribed minimum water-line of the boilers; that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers and machinery, and the appurtenances, may be safely employed in the service proposed in the written application, without peril to life. They shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged; and that the weights of the safety-valves are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there is a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit and the highest point attained; and that there are reliable low-water gauges; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace, whenever the water in the boilers falls below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in high-pressure boilers the water shall not be less than four inches above the top of the flues; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers, when they are under pressure of steam. In subjecting to the hydrostatic tests boilers usually designated and known as high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch, as the maximum pressure allowable as a working-power for a new boiler of forty-two inches in diameter, made in the best manner, of inspected iron plates, one-fourth of an inch thick, and of a quality required by law, and shall rate the working-power of all high-pressure boilers, whether old or new, according to their strength, compared with this standard; and in all cases the test applied shall exceed the working-power allowed, in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting to the hydrostatic tests boilers usually designated and known as low-pressure boilers, the inspectors shall allow as a working-power for each new boiler, a pressure of only three-fourths the number of pounds to the square inch to which it has been subjected by the hydrostatic test, and for which it has been found to be sufficient. Should the inspectors be of the opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure as is above described, they may, for reasons to be stated spe-

cially in their certificate, fix the working-pressure of such boiler at less than three-fourths of the test-pressure. All boilers used on steam-vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam-power allowed. No boiler or pipe, nor any of the connections therewith, shall be approved, which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause.

**§ 4419. Control of safety-valves and steam-registers.**—One of the safety-valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam-registers shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the inspectors.

**§ 4420. Steam-pressure allowed freight-boats on Mississippi River, etc.**—In applying the directions of the preceding \*sections to steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, the local inspectors shall substitute, for such boats, one hundred and fifty pounds of steam-pressure in place of one hundred and ten pounds for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business for a period of twelve months from the seventeenth day of December, eighteen hundred and seventy-two, be permitted to carry steam, above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds, to the square inch.

\* The word "sections" substituted for "section" in the second line—Amend. Act, February 27th, 1877; 19 U. S. Stats. 251.

Modified by Act of January 6th, 1874; 18 U. S. Stats. 2.

**§ 4421. Certificate of inspectors.**—When the inspection of a steam-vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, \*in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by

the oaths of the inspectors signing it before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval.

\*A comma inserted after the word "made"—Amend. Act, February 27th, 1877; 19 U. S. Stats. 251.

**§ 4422. License to carry gunpowder.**—Upon the application of any master or owner of any steam-vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder.

**§ 4423. Disposal of certificates of inspection.** Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof; two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others, and there kept at all times, framed under glass; and the other shall be retained by such master or owner, as evidence of the authority thereby conferred.

**§ 4424. Carrying passengers or gunpowder contrary to law.**—Whenever any passenger is received on board any steam-vessel not having the certified copies of the certificate of approval placed and kept as required by this Title, or whenever any passenger steam-vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, and a certified copy thereof placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam-vessel shall be liable to a penalty of one hundred dollars for each offense.

License for the use of petroleum in the production of motive power, *post*, § 4474. Mode of packing dangerous articles—*Ibid.* § 4475. Unlawful shipment of dangerous articles—*Ibid.* 4476.

**§ 4425. Inspector certifying falsely.**—Every inspector who willfully certifies falsely touching any steam-vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall be punished by fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

Punishment for receiving illegal fees—Rev. Stats. sec. 5482.

**§ 4426. Ferry-boats, canal-boats, yachts, etc**  
The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character, propelled by steam, shall be inspected under the provisions of this Title. Such other provisions of law for the better security of life, as may be applicable to such vessels, shall, by the regulations of the board of supervising inspectors, also be required to be complied with, before a certificate of inspection shall be granted; and no such vessel shall be navigated without a licensed engineer and a licensed pilot.

**§ 4427. Tug-boats, freight-boats, etc.**—The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected, under the provisions of this Title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gauge-cocks, low-water alarm-indicators, steam-gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this Title, and shall be subject to the same provisions of law as officers navigating passenger-steamers.

**§ 4428. Construction of boilers.**—Every boiler manufactured to be used on steam-vessels, and made of iron or steel plates, shall be constructed of plates that have been stamped in accordance with the provisions of this Title.

**§ 4429. Improper construction of boilers.**—Every person who constructs a boiler, or steam-pipe connecting the boilers, to be used on steam-vessels, of iron or steel plates which have not been duly stamped and inspected according to the provisions of this Title, or who knowingly uses any defective, bad, or faulty iron or steel in the construction of such boilers; or who drifts any rivet-hole to make it come fair; or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be



fined one thousand dollars, one-half for the use of the informer. Nothing in this Title shall be so construed as to prevent from being used, on any steamer, any boiler or steam-generator which may not be constructed of riveted iron or steel-plates, when the board of supervising inspectors have satisfactory evidence that such boiler or steam-generator is equal in strength, and as safe from explosion, as a boiler of the best quality constructed of riveted iron or steel plates.

**§ 4430. Inspection of boiler-plates.**—Every iron or steel plate used in the construction of steamboat-boilers, and which shall be subject to a tensile strain, shall be inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of the Treasury, so as to enable the inspectors to ascertain its tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no iron or steel plate shall be used in the construction of such boilers which has not been inspected and approved under those rules.

**§ 4431. Stamping boiler-plates.**—Every plate of boiler-iron or steel, made for use in the construction of steamboat-boilers, shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are worked into boilers, with the name of the manufacturer, the place where manufactured, and the number of pounds tensile strain it will bear to the sectional square inch; and the inspectors shall keep a record in their office of the stamps upon all boiler-plates and boilers which they inspect.

**§ 4432. Counterfeiting stamps.**—Every person who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for boiler-iron or steel plates, or who designedly stamps, or causes to be stamped falsely, any such plates; and every person who stamps or marks, or causes to be stamped or marked, any such iron or steel plates with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined two thousand dollars, one-half to the use of the informer, and may, in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

**§ 4433. Pressure of steam allowable.**—The working steam-pressure allowable on boilers constructed of plates inspected as required by this Title, when single-

riveted, shall not produce a strain to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double-riveted, and the rivet-holes for such boilers have been fairly drilled instead of punched, an addition of twenty per centum to the working-pressure provided for single-riveting may be allowed: *Provided*, That all other parts of such boilers shall correspond in strength to the additional allowances so made; and no split-calking shall in any case be permitted.

§ 4434. **Thickness of boiler-plate, and space between flues.**—No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam-vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues.

§ 4435. **Feed and connecting pipes.**—The feed-water shall be delivered into the boilers in such manner as to prevent it from contracting the metal, or otherwise injuring the boilers. And when boilers are so arranged on a vessel that there is employed a water-connecting pipe through which the water may pass from one boiler to another, there shall also be provided a similar steam-connection, having an area of opening into each boiler of at least one square inch for every two square feet of effective heating-surface contained in any one of the boilers so connected, half the flue and all other fire-surfaces being computed as effective. Adequate provision shall be made on all steam-vessels to prevent sparks or flames from being driven back from the fire-doors into the vessel.

§ 4436. **Safety-valves, fusible plugs, etc.**—Every boiler shall be provided with a good, well-constructed safety valve or valves, of such number, dimensions, and arrangements as shall be prescribed by the board of supervising inspectors, and shall also be provided with a sufficient number of gauge-cocks and a reliable low-water indicator that will give alarm when the water falls below its prescribed limits; and in addition thereto there shall be inserted, in a suitable manner, in the flues, crown-sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, a plug of good Banca tin.

**§ 4437. Obstructing safety-valves, etc.**—Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety-valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined two hundred dollars, and may also be imprisoned not exceeding five years.

**§ 4438. Licenses of officers by inspectors.**—The boards of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam-vessels. It shall be unlawful to employ any person, or for any person to serve as a master, chief mate, engineer, or pilot on any steamer, who is not licensed by the inspectors; and any one violating this section shall be liable to a penalty of one hundred dollars for each offense.

**§ 4439. License of captain.**—Whenever any person applies to be licensed as master of a steam-vessel, the inspector shall make diligent inquiry as to his character, and shall carefully examine the applicant, as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can be safely intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of one year; but such license shall be suspended or revoked, upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this Title.

**§ 4440. License of chief mate.**—Whenever any person applies for authority to be employed as chief mate of steam-vessels, the \*inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo, and in handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station; and if satisfied of

his qualifications and good character, they shall grant him a license, authorizing him to perform such duties for the term of one year; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this Title.

\*The word "inspectors" substituted for "inspector" in the third line—Amend. Act February 27th, 1877; 19 U. S. Stats. 251.

§ 4441. License of engineer.—Whenever any person applies for authority to perform the duties of engineer of any steam-vessel, the \* inspectors shall examine the applicant as to his knowledge of steam-machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of one year, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this Title. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor.

\*The word "inspectors" substituted for "inspector" in the third line—Amend. Act, February 27th, 1877; 19 U. S. Stats. 252. Employment of aliens as engineers and pilots—The Maria, Deady, 102; The Pioneer, Ibid. 58, 72; Desty S. & A. § 265.

§ 4442. License of pilot.—Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall

grant him a license for the term of one year to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this Title.

Act April 17th, 1874; 18 U. S. Stats. 30; *The Maria, Deady*, 102; *The Pioneer*, *Ibid.* 66, 72.

**§ 4443. Captain or mate as pilot.**—Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

**§ 4444. State regulation of pilots.**—No State or municipal government shall impose upon pilots of steam-vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title; nor shall any pilot-charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam-vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

State regulations as to pilots—*Flanders v. Tripp*, 2 Low. 15; *Desty S. & A.* § 342.

**§ 4445. Oath of licensed officers.**—Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

**§ 4446. License to be exhibited.**—Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every

neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

**§ 4447. Renewal of officer's license.**—When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the board of supervising inspectors shall prescribe.

**§ 4448. Licensed officers to assist inspectors in examinations.**—All officers licensed under the provisions of this Title shall assist the inspectors in their examination of any vessel to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and also shall make known to the inspectors, at the earliest opportunity, all accidents or occurrences producing serious injury to the vessel, her boilers, or machinery; and in default thereof the license of any such officer so neglecting or refusing shall be revoked.

**§ 4449. Revocation of license for refusal to serve, etc.**—If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any steamer, as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked, upon the same proceedings as are provided in other cases of revocation of such licenses.

**§ 4450. Investigation of conduct of officers.** The local boards of inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States Circuit or District Courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and after reasonable notice in writing, given

to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the performance of his duties by any such licensed officer; and if the board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or willfully violated any provision of this Title, they shall immediately suspend or revoke his license.

**§ 4451. Payment of marshal and witnesses.**—The chief officer of the customs for the district shall pay out of the revenues received under the provisions of this Title such fees to the United States Marshal for his services, and to any witness, so summoned, for his actual travel and attendance, as shall be officially certified to by any inspector hearing the case, upon the back of such summons, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any Circuit or District Courts of the United States. [See secs. 829-848.]

**§ 4452. Appeal to supervising inspector.**—Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance, and to administer oaths, that are conferred on local inspectors; and such witnesses and the Marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam-vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case.

**§ 4453. Re-inspections and notice for repairs.** In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and de-

parting to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a re-examination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them.

**§ 4454. Failure to make repairs upon notice.**—If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of five hundred dollars for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage which shall occur from any defects as stated in the notice prescribed by the preceding section.

In case of loss of life the master and owners are liable for manslaughter—Rev. Stats. sec. 5344. The navigation of the waters of a navigable river by a steamboat without a license is not a violation of the steamboat acts of August 30th, 1852, 10 U. S. Stats. 61, unless passengers or freight was actually carried—*Bristol v. Hinman*, 10 Int. Rev. Rec. 53; *Elizabethport & F. Co. v. U. S.* 5 Blatchf. 198; *The Sylph*, 4 Blatchf. 24; *Desty S. & A.* § 26.

**§ 4455. Effect of decisions by inspectors.**—The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications.



**§ 4456. Inspection in districts not having inspectors.**—The local boards of inspectors, when so requested in writing by any master or owner, shall, under the direction of the supervising inspector, inspect steamers in other collection-districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by such local board and unreversed by the supervising inspector of the district, are removed. Nothing in this section shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it can be done with safety.

**§ 4457. Records and reports by local inspectors.** The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses, or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat-laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year, and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the board of supervising inspectors, by their established rules, shall direct.

**§ 4458. Fees.**—Before issuing any license to any steamer, the collector or other chief officer of the customs for the port or district, shall demand and receive from the owners thereof, as a compensation for the inspections and examination made for the year, the following sums, in addition to the fees for issuing enrollments and licenses

now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, twenty-five dollars; and in addition thereto, for each and every ton in excess of one hundred tons, five cents. Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay for every certificate, granted by any inspector or inspectors, the sum of ten dollars; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of five dollars. Such fees shall be paid over to the chief officer of the customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

**§ 4459. Bonds of inspectors.**—Every supervising and local inspector of steamboats shall execute a proper bond, to be approved by the Secretary of the Treasury, in such form and upon such conditions as the Secretary may prescribe, for the faithful performance of the duties of his office, and the payment in the manner provided by law of all moneys that may be received by him.

**§ 4460. Instruments, &c., for local boards.**—The Secretary of the Treasury shall procure for the several supervising inspectors and local boards of inspectors such instruments, stationery, printing, and other things necessary for the use of their respective offices as may be required therefor.

**§ 4461. Salaries and expenses.**—The salaries of the supervising inspector-general, of all supervising inspectors, local inspectors, assistant inspectors, and clerks, provided for by this Title, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this Title, shall be paid for, under the direction of the Secretary of the Treasury, out of the revenues received into the Treasury from the inspection of steam-vessels, and the licensing of the officers of such vessels, which revenues, or so much of them as may be necessary for these purposes, shall be permanently appropriated therefor.

**§ 4462. Regulations by Secretary of the Treasury.**—The Secretary of the Treasury shall make such regulations as may be necessary to secure the proper execution of this Title.

## CHAPTER TWO.

TRANSPORTATION OF PASSENGERS AND  
MERCHANDISE.

- 4463. Officers and crew of passenger-steamers.
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- 4498. Registry, enrollment, etc., denied to vessels not complying with the law.
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**§ 4463. Officers and crew of passenger-steamers.**  
No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all

times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied, until others licensed can be obtained.

**§ 4464. Number of passengers.**—The inspectors shall state in every certificate of inspection granted to steamers carrying passengers, other than ferry-boats, the number of passengers of each class that any such steamer has accommodations for, and can carry with prudence and safety.

**§ 4465. Carrying too great a number.**—It shall not be lawful to take on board of any steamer a greater number of passengers than is stated in the certificate of inspection; and for every violation of this provision the master or owner shall be liable, to any person suing for the same, to forfeit the amount of passage-money and ten dollars for each passenger beyond the number allowed.

**§ 4466. Special permit for excursions.**—If any passenger-steamer engages in excursions, the inspectors shall issue to such steamer a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried, and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions.

**§ 4467. Lists of passengers.**—The master of every passenger-steamer shall keep a correct list of all the passengers received and delivered from day to day, noting the places where received and where landed, which record shall be open\* to the inspection of the inspectors and officers of the customs at all times; and the aggregate number of passengers shall be furnished to inspectors as often as called for; but on routes not exceeding one hundred miles, the number of passengers, if kept, shall be sufficient.

The word "open" substituted for "opened" in the fifth line—Amendatory Act of February 27th, 1877; 19 U. S. Stats. 252.

**§ 4468. Failure to keep passenger-list.**—Every master of any passenger-steamer who fails, through negligence or design, to keep a list of passengers, as required

by the preceding section, shall be liable to a penalty of one hundred dollars.

**§ 4469. Recovery of penalties.**—The penalties imposed by sections forty-four hundred and sixty-five and forty-four hundred and sixty-eight shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

**§ 4470. Precautions against fire.**—Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler, to convey steam into the hold and the different compartments thereof, to extinguish fire; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all wood-work or other ignitable substances about the boilers, chimneys, cook-houses, and stove-pipes exposed to ignition, shall be thoroughly shielded by some incombustible material, in such a manner as to leave the air to circulate freely between such material and wood-work or other ignitable substance; and before granting a certificate of inspection, the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire.

**§ 4471. Fire-pumps and hose.**—Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop-cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire-pumps, to be worked by hand; each chamber of such pumps, except pumps upon

steamers in service on the twenty-eighth day of February, eighteen hundred and seventy-one, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire-pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat; and no fire-pump thus provided for shall be placed below the lower deck of the vessel. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof.

**§ 4472. Articles not to be carried.**—No loose hay, loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered with bagging of similar fabric, and secured with good rope or iron bands; nor shall gunpowder be carried on any such vessel, except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof, or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum, which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other \*practicable mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of the Treasury; and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels, or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel; and friction matches may be carried on such steamers when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance

from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors, and approved by the Secretary of the Treasury.

Transportation of nitro-glycerine—*ante*, § 4278. Punishment for transportation of in passenger vessels—Rev. Stats. sec. 5353. Death caused by transportation deemed manslaughter—Ibid. 5354. Transportation of how allowed.—Ibid. 5355. The word "practicable" substituted for the word "practical" in the seventeenth line—Amendatory Act of February 27th, 1877; 19 U. S. Stats. 252. Hay in bales piled up and protected by a tier of grain in sacks a sufficient compliance with the statute—Union Ins. Co. v. Shaw, 2 Dill. 14. An action of debt against the offending parties is the proper action—U. S. v. The C. B. Church, 1 Woods, 275; *Desty S. & A.* § 266.

**§ 4473. Unlawfully carrying cotton or hemp.** Every bale of cotton or hemp that shall be shipped or carried on any passenger-steamer, without conforming to the provisions of the preceding section, shall be subject to a penalty of five dollars, and shall be liable to seizure and sale to secure the payment of such penalty.

**§ 4474. License for use of petroleum.**—The Secretary of the Treasury may grant permission to the owner of any steam-vessel, to use any invention or process for the utilization of petroleum or other mineral oils or substances in the production of motive-power, and may make and enforce regulations concerning the application and use of the same for such purpose. But no such permission shall be granted, unless upon the certificate of the supervising inspector of steamboats for the district wherein such vessel is registered, and other satisfactory proof that the use of the same is safe and efficient; and upon such proof, and the approval of such certificate by the Secretary of the Treasury, a special license for the use of such process or invention shall issue under the seal of the Treasury Department.

Penalty for carrying passengers or gunpowder contrary to law—Rev. Stats. sec. 4424.

**§ 4475. Packing dangerous articles.**—All gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on

the outside, with the name or description of the article contained therein.

**§ 4476. Unlawfully shipping dangerous articles.** Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, or other articles of like character otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessel as stores, unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding two thousand dollars, or imprisonment not exceeding eighteen months, or both; one-half of the fine to go to the informer, and the articles to be liable to seizure and forfeiture.

Transportation of nitro-glycerine—see *ante*, §§ 4278-4280. Punishment for carrying nitro-glycerine on passenger-vessels—Rev. Stats. secs. 5353-5355.

**§ 4477. Watchmen on passenger-steamers.** Every steamer carrying passengers during the night-time shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

**§ 4478. Punishment for failure to keep watchmen.**—For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined one thousand dollars.

**§ 4479. Fire-extinguishers.**—The board of supervising inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire-extinguishers as, in the judgment of the board, may be necessary to protect them from fire when such steamers are moored or lying at a wharf without steam to work the pumps.

**§ 4480. Wire tiller-ropes, bell-pulls.**—Every steamer carrying passengers shall be provided with wire tiller-ropes, or iron rods or chains, for the purpose of steering and navigating the vessel, and shall employ wire bell-pulls for signaling the engineer from the pilot-house, together with tubes of proper size so arranged as to return the



sound of the engine bells to the pilot-house, or other arrangement to repeat back the signal. But on any such vessel navigated by the mariners' compass, so much of such wire rope or chain may be dispensed with and disused as shall influence or disturb the working of the compass.

**§ 4481. Boats for river-steamers.**—Every steam-vessel navigating rivers only, except ferry-boats, freight-boats, canal-boats, and towing-boats, of less than fifty tons, shall have at least one good substantial boat with lines attached, and properly supplied with oars, and kept in good condition at all times, and ready for immediate use; and in addition thereto, every such vessel carrying passengers shall have one or more metallic life-boats, fire-proof, and in all respects good and substantial boats, of such dimensions and arrangements as the board of supervising inspectors by their regulations shall prescribe, which boats shall be carried in the most convenient manner to be brought into immediate use in case of accident. But where the character of the navigation is such that, in the opinion of the supervising inspector, the metallic life-boats can be dispensed with, he may exempt any such vessel from carrying the same; or may require a substitute therefor, at his discretion.

**§ 4482. Life-preservers.**—Every such steam-vessel carrying passengers shall also be provided with a good life-preserver, made of suitable material, for every cabin passenger for which she will have accommodation, and also a good life-preserver or float for each deck or other class passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life-preservers or floats shall be kept in convenient and accessible places on such vessel in readiness for immediate use in case of accident.

**§ 4483. Fire-buckets, axes, etc.**—Every such steam-vessel carrying passengers, of two hundred tons burden or less, shall also keep at least eighteen fire-buckets and two water-barrels, and shall have not less than four axes; and every such steamer of over two hundred tons, and not less than five hundred tons burden, shall carry not less than twenty-four buckets, four water-barrels, and six axes; and every such steamer of over five hundred tons shall carry not less than thirty-five buckets, six water-barrels, and eight axes. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suit-

able dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels.

**§ 4484. Stairways and gangways.**—Every such steam-vessel carrying passengers on the main deck shall be provided with permanent stairways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side.

**§ 4485. Deck passengers.**—The captain or mate of every such steam-vessel carrying passengers upon the main deck shall assign to all deck passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

**§ 4486. Penalty.**—For every violation of the provisions of the two preceding sections the owners of the vessel shall be punished by a fine of three hundred dollars.

**§ 4487. River-steamers to be anchored.**—On any steamers navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it can prudently be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners.

**§ 4488. Life-boats, etc.**—Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of life-boats, floats,

rafts, life-preservers, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the life-boats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging-apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the kind of life-boats, floats, rafts, life-preservers, and drags that shall be used on such vessels, and also the kind and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed.

**§ 4489. Failure to provide life-boats, etc.**—The owner of any such steamer who neglects or refuses to provide such life-boats, floats, rafts, life-preservers, drags, pumps, or appliances, as are, under the provisions of the preceding section, required by the board of supervising inspectors, and approved by the Secretary of the Treasury, shall be fined one thousand dollars.

**§ 4490. Water-tight bulk-heads in lake-steamers.** Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, \*carrying passengers, the building of which shall be completed after the twenty-eighth day of August, eighteen hundred and seventy-one, shall have not less than three water-tight cross-bulk-heads, such bulk-heads to reach to the main-deck in single-decked vessels, otherwise to the deck next below the main-deck; to be made of iron plates, sustained upon suitable frame-work; and to be properly secured to the hull of the vessel. The position of such bulk-heads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.

The word "carrying" substituted for "carry" in the third line—Amendatory Act of February 27th, 1877; 19 U. S. Stats. 252.

**§ 4491. Instruments for security of life.**—No kind of instrument, machine, or equipment, for the better security of life, provided for by this Title shall be used on any steam-vessel which shall not first be approved by the

board of supervising inspectors, and also by the Secretary of the Treasury.

**§ 4492. Barges carrying passengers.**—Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this Title relating to fire-buckets, axes, life-preservers, and yawls, to such extent as shall be prescribed by the board of supervising inspectors; and for any violation of this section the penalty shall be two hundred dollars, recoverable one-half for the use of the informer.

**§ 4493. Liability of master and owners.**—Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect or failure to comply with the provisions of this Title, or through known defects or imperfections of the steaming-apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot.

In case of loss of life deemed guilty of manslaughter—Rev. Stats. sec. 534. A failure of the owners to employ competent and skillful officers renders the steamboat liable for an injury to mariners—Brown v. The D. S. Cage, 1 Woods, 401. The act makes them liable for all damages sustained by a passenger or his baggage from any neglect to comply with the provisions of the law—Sherlock v. Ailing, 93 U. S. 100; Desfy S. & A. 271.

**§ 4494. Two copies of this Title to be kept on each passenger-steamer.**—Every master or commander of any steam-vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of this Title, to be furnished to him by the Secretary of the Treasury; and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of twenty dollars.

**§ 4495. Name of steamer to be exhibited.** Every steam-vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length, on each outer side of

the pilot-house, if it has such, and in case the vessel has side-wheels, also on the outer side of each wheel-house; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

The act requiring steamers to have their names exhibited on wheel and pilot houses prescribes the same penalty, but not the same remedy, as the act in relation to the names on the stern of vessels—The *Lewellen*, 4 Biss. 167; *Desty S. & A.* § 20.

**§ 4496. Duties of customs officers.**—All collectors, or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this Title against all steamers arriving and departing.

**§ 4497. Omission of duty by customs officer.**—Every collector, or other chief officer of the customs, or inspector, who negligently or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of one hundred dollars for each offense, to be sued for in an action of debt.

**§ 4498. Registry denied.**—No license, register, or enrollment shall be granted, nor any other papers be issued, by any collector or other chief officer of the customs, to any vessel propelled in whole or in part by steam, until he shall have satisfactory evidence that all the provisions of this Title have been fully complied with.

**§ 4499. Penalty for failure to comply.**—If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this Title, the owner shall be liable to the United States in a penalty of five hundred dollars for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

**§ 4500. Penalty in cases not provided for.**—The penalty for the violation of any provision of this Title, not otherwise specially provided for, shall be a fine of five hundred dollars, recoverable one-half for the use of the informer.

## TITLE LIII.

## MERCHANT SEAMEN.

## CHAPTER ONE.

## SHIPPING COMMISSIONERS.

- 4501. Appointment of shipping-commissioners.
- 4502. Bond and oath of commissioners.
- 4503. When officers of the customs shall act as commissioners.
- 4504. Penalty for unlawfully acting as commissioner.
- 4505. Clerks of commissioner.
- 4506. Seal of commissioner.
- 4507. Office of commissioner.
- 4508. Duties of commissioner.

§ 4501. **Shipping-commissioners.**—The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation, shall appoint a commissioner for each such port which in their judgment may require the same, such commissioners to be termed shipping-commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

This act to apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade, touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage.

Act of June 9th, 1874; 18 U. S. Stat. 64; Construction of Statute, Shipping Commissioners of N. Y., 13 Blatchf. 339.

**§ 4502. Bond and oath.**—Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

**§ 4503. Officers of customs as commissioners.** In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

**§ 4504. Unlawfully acting as commissioner.** Any person other than a commissioner under this Title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

**§ 4505. Clerks of commissioner.**—Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

**§ 4506. Seal of commissioner.**—Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

**§ 4507. Office of commissioner.**—Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

**§ 4508. Duties of commissioner.**—The general duties of a shipping-commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.



## CHAPTER TWO.

## SHIPMENT.

- 4509. Apprentices.
- 4510. Indentures of apprentices to be produced to commissioner.
- 4511. Shipping-articles.
- 4512. Rules for shipping-articles.
- 4513. Exceptions as to shipping articles.
- 4514. Penalty for shipping without agreement.
- 4515. Penalty for knowingly shipping seamen without articles.
- 4516. Lost seamen may be replaced.
- 4517. Shipping seamen in foreign ports.
- 4518. Penalty for violating preceding section.
- 4519. Posting copy of agreement.
- 4520. Shipping-articles for vessels in coasting trade.
- 4521. Penalty for shipping without articles.
- 4522. Penalty for omitting to begin voyage.
- 4523. Unlawful shipments void.

**§ 4509. Apprentices.**—Every shipping-commissioner appointed under this Title shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

**§ 4510. Indenture of apprentice.**—The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if

any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

**§ 4511. Shipping-articles.**—The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

Seamen's contracts to be evidenced by writing.—The City of Mexico, 7 Ben. 33; The Crusader, 1 Ware, 437; Slocum v. Swift, 2 Low. 212; Desty S. & A. § 144.

Description of voyage—*Brown v. Jones*, 2 Gall. 478; *Anon.* 1 Am. L. J. 209; *Magee v. The Moss*, Gilp. 227; *Desty S. & A.* § 145.

**§ 4512. Rules for shipping-articles.**—The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

“ State of ———, County of ——— :

“ On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned.”

To be signed in presence of shipping-commissioner—*The City of Mexico*, 7 Ben. 33; *The Grace Lothrop*, 1 Holmes, 542; *Desty S. & A.* § 144.

**§ 4513. Exception as to shipping-articles.**—Section forty-five hundred and eleven shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reshew and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seamen or the master.

The words "section forty-five hundred and eleven" substituted for "preceding section" in the first line—Amend. Act, Feb. 27th, 1877; 19 U. S. Stats. 252.

**§ 4514. Penalty for shipping without agreement.** If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

**§ 4515. Shipping seamen without articles.**—If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant-vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

The City of Mexico, 7 Ben. 33; 11 Blatchf. 489; Bartlett v. Wyman, 14 Johns. 260.

**§ 4516. Lost seamen.**—In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

**§ 4517. Shipping seamen in foreign ports.**—Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping-commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect

that the same has been signed in his presence, and otherwise duly made.

A seaman shipping in a foreign port is not required to sign articles—*D'Olivera*, 1 Gall. 474; *Desty. S. & A.* § 144.

**§ 4518. Violating preceding section.**—Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

**§ 4519. Posting copy of agreement.**—The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

**§ 4520. Shipping-articles for vessels in coasting-trade.**—Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

Required for seamen engaged in the coasting trade—*U. S. v. Hamilton*, 1 Mason, 443; *U. S. v. Haines*, 5 *Ibid.* 272; *Miligan v. The B. F. Bruce*, Newb. 539; *Oliver v. Alexander*, 6 Peters, 143; *Gladding v. Constant*, 1 Sprague, 73; *The Crusader*, 1 Ware, 437; *U. S. v. Idell*, 16 *Int. Rev. Rec.* 147; *U. S. v. Smith*, 95; *U. S. 536*; *Desty S. & A.* § 144.

**§ 4521. Shipping without articles.**—If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for

every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title.

The *Cypress*, Blatchf. & H. 83; The *Warrington*, *Ibid.* 335; The *Sarah Jane*, *Ibid.* 401; *Magee v. The Moss*, Gilp. 219; *Snow v. Wope*, 2 Curt. 301; *Wope v. Hemenway*, 1 Sprague, 300; *Jameson v. The Regulus*, 1 Pet. Adm. 212; *Walton v. The Neptune*, *Ibid.* 142; *Bartlett v. Wyman*, 14 Johns. 280; *Johnson v. Dalton*, 1 Cowen, 543; *Desty S. & A. § 144.*

**§ 4522. Omitting to begin voyage.**—At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward, there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master of the vessel shall on the day on which such neglect happened, make an entry in the log-book of such vessel, of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board, shall afterward desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel, a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed on the voyage.

The word "on" inserted after the word "proceed" in the last line—Amend. Act, Feb. 27th, 1877; 19 U. S. Stat. 252.

**§ 4523. Unlawful shipments void.**—All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which

the seaman was shipped, or the sum agreed to be given him at his shipment.

The Warrington, Blatchf. & H. 337; White v. Wilson, 2 Bos. & P. 116; Montgomery v. Tyson, 1 Low. 131; Jameson v. The Regulus, 1 Pet. Adm. 212; The Crusader, 1 Ware, 437; Page v. Sheffield, 2 Curt. 380; The City of Fremont, 2 Biss. 415; U. S. v. Idell, 16 Int. Rev. Rec. 147; Snow v. Wope, 2 Curt. 301; Desty S. & A. § 143.

### CHAPTER THREE.

### WAGES AND EFFECTS.

- 4524. Commencement of wages.
- 4525. Wages not dependent on freight.
- 4526. Termination of wages by loss of vessel.
- 4527. Wages in case of improper discharge.
- 4528. Suspension of wages.
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- 4530. Payment of wages at ports, etc.
- 4531. Allotment of wages.
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- 4533. Recovery in case of unlawful advances.
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- 4537. Limit of sums recoverable during voyage.
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- 4540. Penalty for neglect in regard to seamen's effects.
- 4541. Duties of consular officers in regard to deceased seamen's effects.
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- 4543. Payment to circuit court.
- 4544. Distribution of seamen's money and effects by circuit court.
- 4545. Unclaimed wages and effects of deceased seamen.
- 4546. Summons for non-payment of wages.
- 4547. Libel for wages.
- 4548. Wages payable in gold.

**§ 4524. Commencement of wages.**—A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

**§ 4525. Wages not dependent on freight.**—No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

Rule that freight is the mother of wages is abolished—The Ocean Spray, 4 Sawy. 106; Deady B. & A. §§ 161, 167.



**§ 4526. Termination of wages by loss of vessel.** In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

Seamen are entitled to full wages for the full period of their employment in which freight is or might be earned—*Putnam v. Hooper*, 3 Sum. 286; 1 Law R. 226; *The Elizabeth*, 1 Pet. Adm. 128; *Henop v. Tucker*, 2 Palne, 151; *Lewis v. The Elizabeth and Jane*, 1 Ware, 46, questioning *Post v. Robertson*, 1 Johns. 24. And see *Desty S. & A.* § 161.

**§ 4527. Wages in case of improper discharge.** Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

See *The Dolphin*, 6 Ben. 402; *Desty S & A.* § 162.

**§ 4528. Suspension of wages.**—No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

**§ 4529. Time for payment.**—The master or owner of every vessel making voyages from a port on the Atlantic to a port on the Pacific, or vice versa, shall pay to every seaman his wages, within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens; and, in the case of vessels making foreign voyages, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid on account, a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each

of the days, not exceeding ten days, during which payment is delayed beyond the respective periods; which sum shall be recoverable as wages in any claim made before the court. But this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

Seamen discharged without payment of their wages are entitled to double pay for ten days after their discharge, although suit was brought before ten days—*The Columbia*, 6 Ben. 338; *Desty S. & A.* § 177.

**§ 4530. Payment of wages at ports, etc.**—Every seaman shall be entitled to receive from the master of the vessel to which he belongs, one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall be then due.

**§ 4531. Allotment of wages.**—All stipulations for the allotment of any part of the wages of a seaman, during his absence, which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

**§ 4532. Advances.**—No advance of wages shall be made, or advance security given to any person, but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman, except in the presence of the shipping-commissioner.

See *The Mentor*, 4 Mason, 102; *Desty S. & A.* § 173. Burden of payment of advances—*Holmes v. Dodge*, Abb. Adm. 60; *Desty S. & A.* § 143.

**§ 4533. Recovery in case of unlawful advance.** If any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the provisions of the two preceding sections, the wages of such seaman shall be recoverable by him, as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon, unless he was a party to such breach.

**§ 4534. Discount of advance security.**—Whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the vessel from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the vessel from the port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security; and in any such proceeding it shall be sufficient for such person to prove that the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and received by the seaman; and the seaman shall be presumed to have sailed in the vessel from such port, and to be duly earning his wages, unless the contrary is proved.

**§ 4535. Loss of lien.**—No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

**§ 4536. No attachment or assignment of wages.** No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title.

The lien is a personal privilege, and not assignable—*Logan v. The Aolian*, 1 Bond. 267; *The Gate City*, 5 Biss. 200; *Desty S. & A.* § 172.

**§ 4537. Sum recoverable during voyage.**—No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during

the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

**§ 4538. Effects of deceased seamen.**—Whenever any seaman or apprentice belonging to or sent home on any merchant-vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

**§ 4539. Proceedings in regard to effects of deceased seamen.**—In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the

crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

**§ 4540. Neglect in regard to seaman's effects.** Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the

master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

**§ 4541. Duties of consular officers in regard to deceased seaman's effects.**—Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.

Payment of wages in case of death—*Carey v. The Kitty*, Bee, 255; *Scott v. The Greenwich*, 1 Pet. Adm. 155; *Natterstrom v. The Hazard*, Bee, 443. And see *Sims v. Jackson*, 1 Pet. Adm. 157; *Desty S. & A.* § 166.

**§ 4542. Wages in case of death within the U. S.** Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

**§ 4543. Payment to circuit court.**—Every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

**§ 4544. Distribution by circuit court.**—If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions herein-after contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

**§ 4545. Unclaimed wages and effects.**—When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

**§ 4546. Summons for non-payment of wages.** Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title, or any dispute arises between the master and seamen touching wages,

the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

This remedy is confined to such cases as maritime contracts for wages—*The Thomas Jefferson*, 10 Wheat. 428. The claim of the seaman creates a lien on the vessel, the freight, and proceeds—*Broude v. Haven*, Gilp. 598; *The Ocean Spray*, 4 Sawy. 105; *Desty S. & A.* § 172. A warrant is issued under a certificate of sufficient cause of complaint for admiralty process—*The Warrington*, Blatchf. & A. 334.

The court will not look beyond the certificate—*Kief. v. The London*, Newb. 8.

Mode of proceeding—*Whiteman v. The Neptune*, 1 Pet. Adm. 184, note.

Seamen are restricted to bring action against the vessel until ten days after discharge of cargo—*The Cypress*, Blatchf. & H. 83; *The William Harris*, 1 Ware, 368; *The David Faust*, 1 Ben. 183; *The Eagle*, Olcott. 232.

Yet this restriction does not affect the remedy *in personam*—*Froeman v. Baker*, Blatchf. & H. 372; *The William Jarvis*, 1 Sprague, 499; *The Commerce*, 1 Sprague, 34; *Edward v. The Swan*, 1 Pet. Adm. 168; *Knagg v. Goldsmith*, Gilp. 209; *Thorne v. White*, 1 Pet. Adm. 177; *Collins v. Vickerson*, 1 Sprague, 126; *The Martha*, Blatchf. & H. 159; *Desty S. & A.* § 171.

A discharge, actual or constructive, entitles the seaman to sue at once—*The Cadmus*, Blatchf. & H. 139.

§ 4547. **Libel for wages.**—If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the vessel, and the suit shall be proceeded on in the court, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suit all the seamen having cause of complaint of the like kind against the same vessel, shall be joined as complainants; and it shall be incumbent on the master to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court hav-



ing admiralty jurisdiction, wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

**§ 4548. Wages payable in gold.**—Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

*The Blohm, 1 Ben. 228.*

## CHAPTER FOUR.

## DISCHARGE

- § 4549. Mode of discharge.
- 4550. Account on discharge.
- 4551. Certificate of discharge.
- 4552. Rules for settlement.
- 4553. Certificate of character.

§ 4549. **Mode of discharge.**—All seamen discharged in the United States from merchant-vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars.

The forcible abandonment of an officer or mariner in a foreign port is a crime punishable by a fine of not more than five hundred dollars, or by imprisonment not more than six months. Rev. Stats. sec. 5363.

§ 4550. **Account on discharge.**—Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon

the hearing, before any competent authority, of any complaint or question relating to such payment.

The provisions of this section do not apply to § 4604. *Stevenson v. Hare, 1 Sawy. 563; Desty S. & A. § 144.*

**§ 4551. Certificate of discharge.**—Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection-district where no shipping-commissioner has been appointed, he may perform for himself the duties of such commissioner.

**§ 4552. Rules for settlement.**—The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall,

if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

§ 4553. **Certificate of character.**—Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

## CHAPTER FIVE.

## PROTECTION AND RELIEF.

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- 4590. Penalty for neglecting to make protest.
- 4591. List of certificates of citizenship.

§ 4554. Commissioner as arbiter.—Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of

parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof.

§ 4555. **Examination of witnesses.**—In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner, under the provisions of this Title, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

§ 4556. **Complaint that vessel is unseaworthy.** If the mate or first officer under the master, and a majority of the crew of any vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, and before the vessel shall have left the land, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the mate or other officer and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the crew who shall have made such request.

The *William Harris*, 1 Ware, 373; *The Moslem*, *Olcott*, 292. Rights of seamen under this section—*U. S. v. Gwings*, 1 *Sprague*, 75; *Jordan v. Williams*, 1 *Curt.* 69; 4 *Law R. N. S.* 421; *The Irwin Kreplin*, 4 *Ben.* 420; *The Union*, 4 *Blatchf.* 90; *Knowlton v. Boss*, 1 *Sprague*, 163; 2 *Law R. N. S.* 13. The law implies that the ship is seaworthy, and that good and sufficient provisions are supplied—*Dixon v. The Cyrus*, 2 *Pet. Adm.* 407; *U. S. v. Mitchel*, 3 *Wash. C. C.* 97; *Deety S. & A.* § 152.

**§ 4557. Proceedings upon examination of vessel.** The judge or justice shall, upon such application of the master or commander, issue his precept directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the judge or justice, as the case may be, in writing under their hands, or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge, and shall indorse on the report his judgment, whether the vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear, upon the report and judgment, to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages growing due to the complaining seamen.

**§ 4558. Refusal to proceed when vessel found seaworthy.**—If after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, it shall be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman who refuses to the common jail of the county, there to remain without bail or mainprize until he has paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as are allowed by the justice, and inserted in the warrant; and the sureties of such seaman, in case he has given any, shall remain liable for such payment; nor shall any such seaman be discharged upon any writ of habeas corpus or otherwise, for want of any form

of commitment, or other previous proceedings, until such sum is paid by him or his surety, if sufficient matter be made to appear, upon the return of such habeas corpus, and an examination then had, to detain him for the causes hereinbefore assigned.

The Moslem, Olcott, 292.

**§ 4559. Appointment of inspectors by consul.—**

Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any duties of a consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

Jordan v. Williams, 1 Curt. 70.

**§ 4560. Report of inspectors.—**The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

**§ 4561. Discharge of seamen, unseaworthiness.**

The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the



time of discharge; but if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to their pay up to the time of discharge.

Lists of seamen, vessels, etc., to be kept, and returns to be made by consuls—Rev. Stats. sec. 1708. Neglect of duty by consul or commercial agent is punishable by imprisonment for not more than five years nor less than one, and by fine of not more than ten thousand dollars nor less than one thousand dollars—Rev. Stats. sec. 1736.

**§ 4562. Charges for inspection.**—The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

The William Harris, 1 Ware, 373.

**§ 4563. Refusal to pay wages and charges.**—Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

**§ 4564. Provisions.**—Every vessel belonging to a citizen of the United States, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such vessel, besides such other provisions, stores, and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages.

DETTY C. & N.—15.

*Ferrara v. The Talent, Crabbe*, 217; *Foster v. Sampson*, 1 *Sprague*, 182; *Dixon v. The Cyrus*, 2 *Pet. Adm.* 407; *U. S. v. Mitchel*, 3 *Wash. C.* 97; *Desty S. & A.* § 152. The navy ration the allowance—*Gardner v. The New Jersey*, 1 *Pet. Adm.* 224; *The Mary*, 1 *Ware*, 460; *Sundry Mariners v. The Washington*, 1 *Pet. Adm.* 220; *The Mary Paulina*, 1 *Sprague*, 45; *Desty S. & A.* § 170. Penalty for failure to provide provisions and water on passenger vessels. See, *ante*, sec. 4280.

**§ 4565. Examination of provisions.**—Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

Maltreatment of crew by officers of vessel a crime punishable by fine and imprisonment—*Rev. Stats.* sec. 5347.

**§ 4566. Forfeiture for false complaint.**—If the officer to whom any such complaint, in regard to the provisions or the water, is made, certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

**§ 4567. Permission to enter complaint.**—If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

**§ 4568. Allowance for reduction of provisions.** If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality, and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried, that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof, in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

The *Elizabeth v. Bickers*, 2 Paine, 291; *Coleman v. The Harriet*, Bee, 80; *The Childs Harold*, Olcott, 278; *The Mary*, 1 Ware, 454; *The Elizabeth Frith*, Blatchf. & H. 211; *Sundry Mariners v. The Washington*, 1 Pet. Adm. 219; *Foster v. Sampson*, 1 Sprague, 182; *The Mary Paulina*, 1 Sprague, 45; *Collins v. Wheeler*, 1 Sprague, 188; *The Herman*, 1 Low, 515; *Desty S. & A.* §§ 152, 170.

§ 4569. **Medicines.**—Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing-vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

*Freeman v. Baker*, Blatchf. & H. 372; *The Atlantic*, Abb. Adm. 451; *The Ben Flint*, 1 Abb. U. S. 132; 1 Bliss, 566; *The William Harris*, 1 Ware, 373. The Act of Congress has not changed the maritime law, except so far as respects the expense of medicine and medical advice—*Holmes v. Hutchinson*, Gllp. 447; *Walton v. The Neptune*, 1 Pet. Adm. 142; *Harden v. Gordon*, 2 Mason, 541; *The Forest*, 1 Ware, 420; *Desty S. & A.* § 154.

§ 4570. **Failure to keep medicines.**—If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

§ 4571. **Weights and measures.**—Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

§ 4572. **Clothing and fuel.**—Every vessel bound on any foreign voyage shall also be provided with at least one suit of woolen clothing for each seaman, for use during the winter months; and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

§ 4573. **List of crew to be delivered to collector.** Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents.

*Taber v. U. S. 1 Story, 1.*

§ 4574. **Certificate to list.**—In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in

which any question may arise under any of the provisions of this Title.

**§ 4575. Rules as to list of crew.**—The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from \* the collector of the customs \* of the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

The Osceola, Olcott, 450.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

The Eagle, Olcott, 232.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall

report the same to the Secretary of the Treasury and to the United States attorney in his district.

The words "shipping commissioner, or officer acting as such in" in the second line of the second subdivision, stricken out, and the words "collector of the customs of" inserted—Amend. Act, Feb. 27th, 1877, 19 U. S. Stats. 252.

**§ 4576. Bond for return of seamen.**—The master of every vessel bound on a foreign voyage or engaged in the whale-fishery, shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the certified copy of the list of the crew, to the first boarding-officer, at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer; whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. But such bond shall not be forfeited on account of the master not producing to the first boarding-officer any of the persons contained in the list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

The condition of the bond for return of ship's company does not extend to requiring the return when the ship is sold in a foreign port—*Montell v. U. S. Taney*, 24; *U. S. v. Hatch*, 1 *Paine*, 336; *Tingle v. Tucker*, *Abb. Adm.* 519; *Desty S. & A.* § 123.

**§ 4577. Return of seamen.**—It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

Consuls prohibited from making profit on receipts and disbursements of seamen's wages—*Rev. Stats.* sec. 1719. Punishment for neg-

lect of duty to seaman—*Ibid.* 1736. See *Matthews v. Offley*, 3 Sum. 115.  
Forcible abandonment of officer or mariner in foreign port—*Rev. Stats. sec. 5363.*

**§ 4578. Refusal to receive seamen.**—All masters of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such destitute seamen on board of their vessels, at the request of the consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the master and the consul or officer. Every such master who refuses the same on the request or order of such consul or officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consul or officer, given under his hand and official seal, shall be presumptive evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than two men to every one hundred tons burden of the vessel, on any one voyage.

The certificate of the consul is *prima facie* evidence of the refusal of the master to take the seamen, and of all facts stated in the enacting clause—*Matthews v. Offley*, 3 Sum. 115.

No profit to be derived from transportation of discharged seaman—*Rev. Stats. sec. 1719.*

**§ 4579. Allowance for transportation of destitute seamen.**—Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

**§ 4580. Extra wages on discharge.**—Upon the application of any seaman to a consular officer for a discharge, if it appears to such officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, the officer shall discharge such seaman; and shall require from the master of the vessel from which such discharge shall be made, the payment of three months' extra wages, over and above the wages which may then be due to such seaman. When, however, after



a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, the consular officer may remit so much of the extra wages as would be, by section forty-five hundred and eighty-four, payable to the seaman.

*Coffin v. Weld*, 2 Low. 81.

Lists and returns of seamen, vessels, &c.—Rev. Stats. sec. 1708. Liability of consuls for neglect of duty—Id. 1736.

**§ 4581. Neglect to collect extra wages.**—If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman to the full amount of his share thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessities at the place of his discharge, before shipping again, such expense shall be paid out of the share of three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him.

**§ 4582. Extra wages upon discharge, in case of sale.**—Whenever a vessel belonging to a citizen of the United States is sold in a foreign country, and her company discharged, or when a seaman, a citizen of the United States, is, with his own consent, discharged in a foreign country, it shall be the duty of the master to produce to the consular officer, the certified list of his ship's company, and to pay such consul or officer, for every seaman so discharged, designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such seaman.

The payment to consul discharges the owner's liability—*Drew v. Pope*, 72; *Pool v. Welsh*, 611p. 193; *Wells v. Meldrum*, Blatchf. & H. 342; *The Caroline E. Kelly*, 2 Abb. U. S. 169; *Emerson v. Howland*, 1 Mason, 45; *Orne v. Townsend*, 4 Mason, 541; *Ogden v. Orr*, 12 Johns. 143; *Desty S. & A.* § 163, 164.

Discharge in a foreign port is not favored unless approved by the resident American consul with consent of the seaman—*The Atlantic*, Abb. Adm. 451; *Nieto v. Clark*, 1 Cliff, 145; *Jay v. Almy*, 1 Wood & M. 262. The certificate of the consul is conclusive of seaman's consent—*The Atlantic*, Abb. Adm. 451; *Lamb v. Briard*, Ibid. 339; *Campbell v. The Uncle Sam*, McAll. 77; *Hutchinson v. Coombs*, 1 Ware, 65.

Obligation of master to pay extra wages into hands of consul—*Montell v. U. S. Taney*, 24; *Dustin v. Murray*, 5 Ben. 13; *The Dawn*, 2 Ware (Dav.) 121. To be paid to seamen on whaling voyage—*Bates v. Seabury*, 1 Sprague, 433; 11 Law Rep. N. S. 666; *Desty S. & A.* § 163.

**§ 4583. Extra wages, when remitted.**—No payment of extra wages shall be required upon the discharge of any seaman in cases where vessels are wrecked, or

stranded, or condemned as unfit for service. If any consular officer, upon the complaint of any seaman that he has fulfilled his contract, or that the voyage is continued contrary to his agreement, is satisfied that the contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay. No payment of such extra wages, or any part thereof, shall be remitted in any case, except as allowed in this section.

§ 4584. Disposal of extra wages.—Whenever any consular officer upon the discharge of any seaman demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such officer to the seaman so discharged, upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months by the persons receiving the same.

One-third to go to United States Government—*Coffin v. Weld*, 2 Low. 81.

No profit to be derived from transporting seamen—Rev. Stats. sec. 1719.

§ 4585. Assessment of forty cents per month.—There shall be assessed and collected by the collectors of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; such sum such master or owner may collect and retain from the wages of such seamen.

Open boats are not ships, within the Enrollment and License Act, as regards payment of the hospital tax by seaman—*Buckley v. Brown*, 3 Wall. Jr. 199; *Martin v. Acker*, Blatchf. & H. 260; *Desty S. & A.* § 22.

Custody and appropriation of fund for the relief of sick and disabled seamen—Rev. Stats. sec. 4803.

§ 4586. Hospital-dues of vessel sold abroad.—Whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the consular

officer of the United States within whose consulate or district the same is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such consular officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

**§ 4567. No enrollment without payment.**—No collector shall grant to any vessel except canal-boats employed in navigating the canals within the United States, whose enrollment or license for carrying on the coasting trade has expired, a new enrollment or license, unless the master of such vessel shall have first rendered a true account to the collector of the number of seamen and the time they have been employed on such vessel, during the continuance of the license which has so expired, and shall have paid to such collector forty cents per month for every such seaman who shall have been employed; which sum the master is hereby authorized to retain out of the wages of such seaman. Whenever the master of any registered, enrolled, or licensed vessel of the United States renders a false account of the number of seamen so employed, or of the length of time they have severally been employed, as is herein required, he shall be liable to a penalty of fifty dollars, which shall be applied to, and shall make a part of, the general fund created for the relief of sick and disabled seamen; and all needful regulations for the mode of collecting the sums hereinbefore mentioned shall be prepared under the direction of the Secretary of the Treasury, by such person as by him may be designated.

**§ 4568. Certificate of citizenship.**—The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, that E. F., an American seaman, aged \_\_\_\_\_ years, or thereabouts, of the height of \_\_\_\_\_ feet \_\_\_\_\_ inches, (describing the said seaman as particularly as may be,) has, this

day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents.

Naturalization of seamen—Rev. Stats. sec. 2174.

**§ 4589. Protest upon impressment.**—The master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, shall, at the first port at which such vessel arrives, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and, if not, to what nation he belonged. Such master shall also transmit, by post or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States to the Secretary of State, together with information to whom the original protest was transmitted. In case such protest shall be made within the United States, or in any foreign country in which no consul, agent, or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

**§ 4590. Neglecting to make protest.**—The collectors of the districts of the United States shall, from time to time, make known the provisions of the two preceding sections to all masters of vessels of the United States entering or clearing at their several offices. The master of every such vessel shall, before he is admitted to an entry by any such collector, be required to declare on oath whether any of the crew of the vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of the preceding section. Every master who willfully

neglects or refuses to make the declarations herein required, or to perform the duties enjoined by the preceding section, shall be liable to a penalty of one hundred dollars. The collectors shall prosecute for any forfeiture that may be incurred under this section.

**§ 4591. List of certificates of citizenship.**—The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions as shall appear, by the protests of the masters, to have taken place.

DESY C. & N.—16.

## CHAPTER SIX.

## FEES OF SHIPPING-COMMISSIONERS.

- 4592. Fees of commissioner.
- 4593. Payment of fees.
- 4594. Limit of officer's compensation.
- 4595. Penalty for taking unlawful fees.

§ 4592. Fees of commissioner.—Fees not exceeding the sums specified in the tables marked "C" and "D" in the schedule annexed to this Title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping-commissioner. Each shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

Shipping Commissioners of N. Y. 13 Blatchf. 339.

§ 4593. Payment of fees.—Every owner, consignee, agent, or master of a vessel, engaging or discharging any seamen in a shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement or discharge; and may, for the purpose of in part re-imbursing himself, deduct, in respect to each such engagement or discharge, from the wages of all persons except apprentices, so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the table marked "E" in the schedule annexed to this Title.

§ 4594. Limit of officer's compensation.—In no case shall the salary, fees, and emoluments of any officer appointed under this Title be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States.

§ 4595. Taking unlawful fees.—Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration

whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars.

## CHAPTER SEVEN.

## OFFENSES AND PUNISHMENTS.

- § 4596. Various offenses by seamen—penalties.
- 4597. Entry of offenses in log-book.
- 4598. Deserters may be apprehended on justice's warrant.
- 4599. Arrest of seamen without warrant, when allowable.
- 4600. Reclamation and discharge of deserters by consular officers.
- 4601. Penalty for secreting seamen.
- 4602. Penalty for drunkenness and neglect of duty.
- 4603. Enforcement of forfeitures.
- 4604. Disposal of forfeitures.
- 4605. Appropriation of wages to costs of conviction.
- 4606. Penalty for boarding vessels before arrival.
- 4607. Penalty for soliciting seamen as lodgers.
- 4608. Carrying sheath-knives prohibited.
- 4609. Penalty for extortion for obtaining employment.
- 4610. Penalties and forfeitures, how recovered.
- 4611. Flogging abolished.
- 4612. Definitions, schedule, and tables.

**§ 4596. Offenses by seamen—Penalties.**—Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offenses, he shall be punishable as follows:

This section applies to seamen engaged in foreign vessels while in American waters—U. S. v. McArdle, 2 Sawy. 367.

**First.** For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

*Brower v. The Maiden*, Gilp. 294; *Cloastman v. Tunison*, 1 Sum. 373; *The Martha*, Blatchf. & H. 151; *The John Martin*, 2 Abb. U. S. 172; *The Merrimac*, 1 Ben. 490.

**Second.** For neglecting and refusing, without reasonable cause, to join his vessel, or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel sailing from any port, either at the commencement or during the progress of any voyage; or for absence at any time without leave, and without sufficient reason, from his vessel, or from his duty, not amounting to desertion, or not treated as such by the master: by imprisonment for not more than one month,



and also, at the discretion of the court, by forfeiture of his wages, of not more than two days' pay, and, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Disorderly and mutinous behavior and an obstinate refusal to do duty deprives a seaman of his claim for wages—*The Marion, Blatchf. & H. 333*; *The Mentor, 1 Mason, 84*; *Thorne v. White, 1 Pet. Adm. 168*; *Relf v. The Maria, 1 Pet. Adm. 186*; *Black v. The Louisiana, 2 Pet. Adm. 268*; *Drysdale v. The Ranger, Bee, 143*; *Desty S. & A. § 189*.

Third. For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, by forfeiture out of his wages of not more than one month's pay.

*Wood v. The Nimrod, Gllp. 83*; *The Martha, Blatchf. & H. 154*; *The Cadmus v. Matthews, 2 Paine, 229*; *The Phoebe v. Dignum, 1 Wash. C. C. 48*; *Scott v. Rose, 2 Low. 381*.

Fourth. For willful disobedience to any lawful command, by imprisonment for not more than two months, and also, at the discretion of the court, by forfeiture out of his wages of not more than four days' pay.

*U. S. v. McArdle, 2 Sawy. 368*.

Fifth. For continued willful disobedience to lawful commands, or continued willful neglect of duty, by imprisonment for not more than six months, and also, at the discretion of the court, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum not more than twelve days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

Inciting revolt or mutiny on shipboard a crime—*Rev. Stats. § 5369*. *U. S. v. Nyers, 2 Curt. 227*; *U. S. v. Barker, 5 Mason, 404*; *U. S. v. Haines, Ibid. 272*; *U. S. v. Gardner, Ibid. 402*; *U. S. v. Lynch, 2 N. Y. Leg. Obs. 51*; *U. S. v. Hamilton, 1 Mason, 443*; *U. S. v. Seagrist, 4 Blatchf. 420*; *Desty S. & A. sec. 193*. Confining a master on board an American vessel is an offense—*Matthews v. Offley, 3 Sum. 115*. Obligations of shipmasters—4 *Opinions Attorneys-General, 185*; *U. S. v. New Bedford Bridge, 1 Wood. & M. 486*; *U. S. v. Stevens, 4 Wash. C. C. 647*; *Desty S. & A. § 192*.

Seventh. For combining with any others of the crew to disobey lawful commands, or to neglect duty, or to impede navigation of the vessel, or the progress of the voyage, by imprisonment for not more than twelve months.

Revolt and mutiny of crew a crime—*Rev. Stats. sec. 5360*; *U. S. v. Forbes, Crabbe, 560*; *U. S. v. Haines, 5 Mason, 272*; *U. S. v. Peterson, 1 Wood. & M. 310*; *U. S. v. Savage, 5 Mason, 460*; *U. S. v. Kelly, 10 Wheat. 417*; *Desty S. & A. § 194*.

Eighth. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages, of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Mason v. The Blaireau, 2 Cranch, 240; Alexander v. Galloway, Abb. Adm. 261; Sundry Mariners v. The Kensington, 1 Pet. Adm. 239; Desty S. & A. §§ 187, 189.

Ninth. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months.

**§ 4597. Entry of offense in log-book.**—Upon the commission of any of the offenses enumerated in the preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with the reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

Entry in log-book indispensable.—The Sarah Jane, Blatchf. & H. 411; The Hercules, 1 Sprague, 534; The Douglas v. Eyre, Gilp. 152; Wood v. The Nimrod, Gilp. 83; Scott v. Rose, 2 Low. 381; Magee v. The Moss, Gilp. 219; The Martha, Blatchf. & H. 154; The Cadmus, Blatchf. & H. 139; The Cadmus v. Matthews, 2 Paine, 229; The Catawanteak, 2 Ben. 190; Knagg v. Goldsmith, Gilp. 216; Thompson v. The Philadelphia, 1 Pet. Adm. 210; Jones v. The Phoenix, Ibid. 201; Desty S. & A. §§ 183, 188. See log-books, *ante*, secs. 4290-4292.

**§ 4598. Apprehension of deserters.**—If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself

from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice; and if it then appears that he has signed a contract within the intent and meaning of this Title, and that the voyage agreed for is not finished, or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman.

Deserters may be apprehended on a justice's warrant—*Brower v. The Malden*, Gilp. 294. Confinement and commitment the only penalty for misconduct—*Brower v. The Malden*, Gilp. 297; *Bray v. The Atalanta*, Bee, 48; *The David Pratt*, 1 Ware, 503; *Wood v. The Nimrod*, Gilp. 83; *Magee v. The Moss*, Gilp. 219; *Sherwood v. McIntosh*, 1 Ware, 118; *Desty S. & A.* § 130.

**§ 4599. Arrest without warrant.**—Whenever, either at the commencement of or during any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in, any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner, or consignee, or shipping-commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any place out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or magistrate of any State, city, town, or county, within the United States, authorized to take cognizance of offenses of like degree and kind, to be dealt with according to the provisions of law governing such cases; and may, for the purpose of conveying him before such court or magistrate, detain him in custody for a period not exceeding twenty-four hours, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board. If such apprehension appears to the court or magistrate before whom the

case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be made, shall be liable to a penalty of not more than one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

**§ 4600. Reclamation and discharge of deserters.**—It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end, in the most effectual manner. In all cases where deserters are apprehended, the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the seaman shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto, officially.

For neglect of duty to seamen, or corrupt conduct, consuls, etc. are liable to fine and imprisonment—Rev. Stats. 1736.

**§ 4601. Penalty for secreting seamen.**—Whenever any person harbors or secretes any seaman belonging to any vessel, knowing him to belong thereto, he shall be liable to pay ten dollars for every day during which he continues so to harbor or secrete such seaman, recoverable one-half to the use of the person prosecuting for the same, the other half to the use of the United States.

The word "prosecuting" substituted for "persecuting" in the sixth line—Amend. Act Feb. 18th, 1875; 18 U. S. Stats. 320.

**§ 4602. Drunkenness or neglect of duty.**—Any master of, or any seaman or apprentice belonging to, any merchant-vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life

or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

**§ 4603. Enforcement of forfeitures.**—Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

**§ 4604. Disposal of forfeitures.**—All clothes, effects, and wages which, under the provisions of this Title, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

*Stevenson v. Hare*, 2 Sawy. 563.

**§ 4605. Appropriation of wages to costs of conviction.**—Whenever, in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman,\* not exceeding fifteen dollars, to be applied in re-imbursing any costs properly incurred by the master in procuring such conviction and punishment.

The word "seaman" substituted for "seamen," in the eighth line—Amend. Act February 27th, 1877; 19 U. S. Stats. 252. See *Desty S. & A.* § 186.

**§ 4606. Boarding vessels before arrival.**—Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police-officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title.

See *Desty S. & A.* § 196; *U. S. v. Anderson*, 10 Blatchf. 227. And see *Attwood v. Case*, Law R. 1 Q. B. Div. 134.

**§ 4607. Soliciting seamen as lodgers.**—If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

**§ 4608. Carrying sheath-knives.**—No seaman in the merchant-service shall wear any sheath-knife on ship-board. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one-half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

**§ 4609. Extortion for obtaining employment.** If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever other than the fees hereby authorized, for providing him with employment, he shall,

for every such offense, be liable to a penalty of not more than one hundred dollars.

**§ 4610. Penalties and forfeitures, how recovered.** All penalties and forfeitures imposed by this Title, for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

Discretionary power of court to decree forfeiture—*Granon v. Harts-horne*, Blatchf. & H. 462; *The Cadmus*, Ibid. 139; *The Swallow*, Olcott, 10; *The Moslem*, Ibid. 297; *Cloutman v. Tunison*, 1 Sum. 373. *The Martin*, Blatchf. & H. 151; *The Balize*, 1 Brown Adm. 429; *The John Martin*, 2 Abb. U. S. 72; *Lovrein v. Thompson*, 1 Sprague, 355; *Gifford v. Kollock*, 19 Law Rep. 21; *The Langdon Cheves*, 2 Mason, 58; or mitigate punishment—*Coffin v. Shaw*, 3 Ware, 83; *The Balize*, 1 Brown Adm. 429; *Swain v. Howland*, 1 Sprague, 424; *Desty S. & A.* § 191.

**§ 4611. Flogging abolished.**—Flogging on board vessels of commerce is hereby abolished.

The act abolishes only corporeal punishment by stripes—U. S. v. Cutler, 1 Curt. 501; Payne v. Allen, 1 Sprague, 304; U. S. v. Collins, 2 Curt. 194; Desty S. & A. § 129.

**§ 4612. Definitions, schedule, and tables.**—In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

## SCHEDULE.

### TABLE A.

#### FORM OF ARTICLES OF AGREEMENT.

##### UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping office):

It is agreed between the master and seamen or mariners of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_, to \_\_\_\_\_, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is



hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and \_\_\_\_.

Signature of crew.		Height.	De- scrip- tion.	Wages per month.	Wages per run.	Advance wages.	Amount of monthly allot- ment.	Time of service.	Hospital-money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping-commissioner's signature or initials.	Allotment payable to _____	Conduct qualifications.
Birthplace.	Age.																
Feet.	Inches.	Complexion.	Hair.					Months.	Days.								

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

## ACCOUNT OF APPRENTICES ON BOARD.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of register of assignment.	Port at which assignment was registered.

## SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE.

	Bread.	Beef.	Pork.	Flour.	Pease.	Rice.	Barley.	Tea.	Coffee.	Sugar.	Water.
	Lbs	Lbs	Lbs	Lbs	Pts	Pts	Pts	Ozs	Ozs	Ozs	Qts
Sunday .....	1	1½	.....	½	.....	.....	.....	½	½	2	.....
Monday .....	1	.....	1½	.....	½	.....	.....	½	½	.....	.....
Tuesday .....	1	1½	.....	½	.....	.....	.....	½	½	.....	.....
Wednesday .....	1	.....	1½	.....	½	.....	.....	½	½	.....	.....
Thursday .....	1	1½	.....	½	.....	.....	.....	½	½	.....	.....
Friday .....	1	.....	1½	.....	½	.....	.....	½	½	.....	.....
Saturday .....	1	1½	.....	.....	.....	.....	.....	½	½	.....	.....

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

## SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams, one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and, for potatoes, onions may be substituted.

**TABLE B.**  
**CERTIFICATE OF DISCHARGE.**

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated — day of —, eighteen hundred and —  
 (Signed) —, Master.  
 (Countersigned) —, Seaman.

Given to the above-named seaman in my presence this  
 — day of —, eighteen hundred and —.  
 (Signed) —,  
 Shipping-Commissioner.

**TABLE C.**  
**FEEs, (SEAMEN.)**

Fee payable on engaging crew, for each member of the crew, (except apprentices) ..... \$2 00  
 Fee payable on discharging crew, for each member of crew discharged ..... 50

**TABLE D.**  
**FEEs, (APPRENTICES.)**

For each boy apprenticed to the merchant service, including the indenture..... \$5 00

## TABLE E.

## REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in Table C, in respect of engagements, from the wages of each member of the crew, twenty-five cents.

In respect of discharges, from the wages of each member of the crew, twenty-five cents.

Hospital dues, see § 4685.

## TITLE LIV.

## PRIZE.

- 4613. Application of provisions of Title
- 4614. What are "vessels of the Navy."
- 4615. Duties of commanding officer upon making captures.
- 4616. Statement of claim to share in prize.
- 4617. Duties of prize-master.
- 4618. Libel and proceedings by district attorney.
- 4619. Duties of district attorneys.
- 4620. Special counsel for captors.
- 4621. Appointment of prize-commissioners.
- 4622. Duties of prize-commissioners.
- 4623. Duties of marshal.
- 4624. Appraisal, &c., of property taken for Government.
- 4625. Proceedings for adjudication where property is not sent in.
- 4626. Delivery of property on stipulation.
- 4627. When property may be sold.
- 4628. Mode of making sale.
- 4629. Transfer of property to another district for sale.
- 4630. Share of captors.
- 4631. Distribution of proceeds to captors.
- 4632. What vessels are entitled to share.
- 4633. What officers are entitled to share.
- 4634. Determination of shares.
- 4635. Bounty for persons on board vessels sunk or destroyed.
- 4636. Appeals and amendments in prize-cases.
- 4637. Powers of district court after appeal.
- 4638. Security for costs.
- 4639. Costs and expenses.
- 4640. Payment of expenses from prize-fund.
- 4641. Payment of prize-money.
- 4642. Distribution of bounty, salvage, &c.
- 4643. Assignments, &c., of prize-money and bounty.
- 4644. Accounts of clerks of district courts.
- 4645. Allowances and commissions to marshals.
- 4646. Compensation of district attorney and prize-commissioners
- 4647. Accounts of district attorney and prize-commissioner.
- 4648. Compensation of special counsel.
- 4649. Payment of fees of special counsel.
- 4650. Commissions of auctioneers.
- 4651. Payment of fees of witnesses.
- 4652. Recaptures.

**§ 4613. Application of Title.**—The provisions of this Title shall apply to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

The provisions of this Title do not apply to captures made on inland waters—Mrs. Alexander's Cotton, 2 Wall. 416; The Cotton Plant, 10 Wall. 561.

§ 4614. **What are vessels of the Navy.**—The term "vessels of the Navy," as used in this Title, shall include all armed vessels officered and manned by the United States, and under the control of the Department of the Navy.

The surrender of a city operates the capture of all the prize or booty in the town and harbor—*The Siren*, 1 Low. 280.

§ 4615. **Duties upon making capture.**—The commanding officer of any vessel making a capture shall secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up, and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and are in the condition in which they were found; or explaining the absence of any documents or papers, or any change in their condition. He shall also send to such court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize-master and prize-crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall deem most convenient, in view of the interests of probable claimants, as well as of the captors. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisement made by persons as competent and impartial as can be obtained, and their reports shall be sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the Government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to such court, and subject to its order in the cause.

Duty of commanding officer—*The Sally Magee*, 3 Wall. 453; *The Sir William Peel*, 5 Wall. 534; *The Springbok*, *Ibid.* 20; *The Dos Hermanos*, 2 Wheat. 78; *The Pizarro*, *Ibid.* 240; *Desty S. & A.* § 435.

List of persons entitled to prize-money to be transmitted to the Navy Department—*Rev. Stats. sec. 1624, art. 15.* See *Piracy, ante*, §§ 4294-4299; *Slave Trade, Rev. Stats. secs. 5551-5560.*

**§ 4616. Statement of claim to share in prize.**—If any vessel of the United States shall claim to share in a prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is founded, the principal facts tending to show what vessels made the capture, and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

**§ 4617. Duties of prize-master.**—The prize-master shall make his way diligently to the selected port, and there immediately deliver to a prize-commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same, and are in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize-property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize-court.

Delaying or defrauding captor or claimant, and of prize property, a crime punishable by fine and imprisonment—Rev. Stats. sec. 5441.

**§ 4618. Libel and proceedings by district attorney.**—Upon receiving the report of the prize-master directed by the preceding section, the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court, directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof; and to that end shall see that the proper preparatory evidence is taken by the prize-commissioners, and that the prize-commissioners also take the depositions *de bene esse* of the prize-crew, and of other transient persons cognizant of any facts bearing on condemnation or distribution.

In prize causes the evidence to acquit or condemn must come in the first instance from the papers found on board the vessel, and the examination taken *in preparatio*—The *Dos Hermanos*, 2 Wheat. 78; The

Pizarro, 2 Wheat. 240; The Amiable Isabella, 6 Wheat. 1; The Andromeda, 2 Wall. 481; The Sir William Peel, 5 Wall. 534; The Springbock, 5 Wall. 20; The Georgia, 7 Wall. 38; The Nassau, 4 Wall. 634. Order for further proof in discretion of the court—The Sally Magee, 3 Wall. 458; Desty S. & A. § 435.

**§ 4619. Duties of district attorneys.**—The district attorneys of the several judicial districts shall represent the interests of the United States in all prize causes, and shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors, on a demand for damages. They shall examine all fees, costs, and expenses, sought to be charged on any prize-fund, and protect the interest of the captors and of the United States. The district attorneys of all districts in which any prize-causes are or may be pending shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize-causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

**§ 4620. Special counsel for captors.**—[This section was stricken out by Act of February 27th. 1877, 19 U. S. Stats. 252.]

**§ 4621. Appointment of prize-commissioners.**—Any district court may appoint prize-commissioners, not exceeding three in number; of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the captors and of the Department of the Navy in the prize-property; and at least one of the others shall be a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

**§ 4622. Duties of prize-commissioners.**—The prize-commissioners, or one of them, shall receive from the prize-master the documents and papers, and inventory thereof, and shall take the affidavit of the prize-master required by section forty-six hundred and seventeen, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize-courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize-



commissioners shall also take depositions de bene esse of the prize-crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize-property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken de bene esse, and their own inventory of the prize-property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy.

Defrauding, delaying, or injuring a captor or claimant of prize property, a crime punishable by fine and imprisonment—Rev. Stats. sec. 5441. The certificate of the prize-commissioners is sufficient evidence that the vessel is claimed as a prize of war—The Nassau, 4 Wall. 634.

**§ 4623. Duties of marshal.**—The marshal shall safely keep all prize-property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize-property, if in his judgment it is for the interest of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize-commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as the Secretary of the Navy may require it, a full statement of the condition of each prize and of the disposal made thereof.

**§ 4624. Appraisal, &c., of property taken for Government.**—Whenever any captured vessel, arms, munitions, or other material are taken for the use of the United States before it comes into the custody of the prize court, it shall be surveyed, appraised, and inventoried, by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterward, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize-property taken for or appropriated to the use of the Government, the Department for whose use it is taken or appropriated shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

**§ 4625. Adjudication where property is not sent in.**—If by reason of the condition of the captured property, or if because the whole has been appropriated to the use of the United States, no part of it has been or can be sent in for adjudication, or if the property has been entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate; and in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the United States, shall be deposited with the assistant treasurer in or nearest to that district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district. And if in any case of capture no proceedings for adjudication are commenced within a reasonable time, any parties claiming the captured property may, in any district court as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

**§ 4626. Delivery of property on stipulation.**—No prize-property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution and the captors have appealed

therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market-value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby; but a satisfactory appraisalment shall be first made, and an opportunity given to the district attorney and naval prize-commissioner to be heard as to the appointment of appraisers. Any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer, in the same manner as proceeds of a sale.

**§ 4627. When property may be sold.**—Whenever any prize-property is condemned, or at any stage of the proceedings is found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same are disproportionate to its value, the court shall order a sale of such property; and whenever, after the return-day on the libel, all the parties in interest who have appeared in the cause agree thereto, the court may make such order; and no appeal shall operate to prevent the making or execution of such order.

**§ 4628. Mode of making sale.**—Upon a sale of any prize-property by order of the court, the Secretary of the Navy shall employ an auctioneer of known skill in the branch of the business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize-commissioner, and the goods shall be open to inspection at least three days before the sale.

**§ 4629. Transfer of property to another district for sale.**—Whenever it appears to the court, in the case of any prize-property ordered to be sold, that it will be

for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same, with proper orders as to the time and manner of selling the same. It shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending. The necessary expenses attending the insuring, transferring, receiving, keeping, and selling the property shall be a charge upon it and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he is not repaid from the proceeds, any amount not so repaid shall be allowed to him, as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or by special direction in any cause, require a marshal to transfer any prize-property from the district in which the judicial proceedings are pending, to any other district for sale; and the same proceedings shall be had as if such transfer had been made by order of the court. [See § 5441.]

**§ 4630. Share of captors.**—The net proceeds of all property condemned as prize, shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one-half shall be decreed to the United States and the other half to the captors, except that in case of privateers and letters of marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels.

Prize-money accruing to the United States to remain a fund for pensions—Rev. Stats. sec. 4752. Two per cent. of the net amount, after deducting all charges and expenses, to be transferred to the privateer pension fund—Ibid. 4759. The prize act operates as a grant from the United States to the captors—The Sally, 8 Cranch, 382. Seizures by non-commissioned cruisers are made for the Government—The Dos Hermanos, 10 Wheat. 306. Quantity given is in proportion to force overcome—The Selma, 1 Low. 30; The Atlanta, 3 Wall. 425.

**§ 4631. Distribution of proceeds to captors.**—All prize-money adjudged to the captors shall be distributed in the following proportions:

- Prize-money to officers serving as division commanders and fleet captains from April, 1861—Shares how paid—Act of June 8th, 1874; 18 U. S. Stats. 63.

**First.** To the commanding officer of a fleet or squadron, one-twentieth part of all prize-money awarded to any vessel or vessels under his immediate command.

Decatur v. Chew, 1 Gall. 506; Desty S. & A. § 441.

**Second.** To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one-fiftieth part of any prize-money awarded to a vessel of such division for a capture made while under his command, such fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors; but such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture.

**Third.** To the fleet-captain, one-hundredth part of all prize-money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the other officers and men on board such vessel.

**Fourth.** To the commander of a single vessel, one-tenth part of all the prize-money awarded to the vessel under his command, if such vessel at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three-twentieths if his vessel was acting independently of such superior officer.

Distribution of prize-money—11 Opinions Attorneys-General, 148; Desty S. & A. § 441.

**Fifth.** After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, including the fleet-captain, and borne upon the books of the ship, in proportion to their respective rates of pay in the service.

**§ 4632. Vessels entitled to share.**—All vessels of the Navy within signal distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid, if required, shall share in the prize; and in case of vessels not in the Navy, none shall be entitled to share except the vessel or vessels making the capture; in which term shall be included vessels present at and rendering actual assistance in the capture.

DESTY C. & N.—16.

An armed vessel having no commission, though present at the capture and co-operating, is not entitled to share—*The Merrimac*, *Blasch. Prize*, 864; *Desty S. & A.* § 439.

§ 4633. **Officers entitled to share.**—No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may have been captured by any vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize-money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached, until regularly discharged therefrom.

*Distribution of Ransom Money*, 11 *Opinions Attorneys-General*, 236; *The Atlanta*, 3 *Wall*, 425; *Desty S. & A.* § 441.

§ 4634. **Determination of shares.**—Whenever a decree of condemnation is rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share; and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul, or commercial agent of the United States, or notary public, or any officer of the Navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. The decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one-half to the captors, and one-half to the United States.

§ 4635. **Bounty for persons on board vessels sunk or destroyed.**—A bounty shall be paid by the United States for each person on board any ship or vessel

of war belonging to an enemy at the commencement of an engagement, which is sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States, or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force, and of two hundred dollars, if of equal or superior force, to be divided among the officers and crew in the same manner as prize-money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the Navy of the United States; and there shall be paid as bounty to the captors of any vessel of war captured from an enemy, which they may be instructed to destroy, or which is immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture.

**§ 4636. Appeals and amendments.**—The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize cases, or allow a prize appeal therein, if it appears that any notice of appeal or of intention to appeal was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein.

Allowance of appeal—Rev. Stats. sec. 1006; within what time, *Ibid.* 1009.

**§ 4637. Powers of district court after appeal.** Notwithstanding any appeal to the Supreme Court, the district court may make and execute all necessary orders for the custody and disposal of the prize-property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein.

District court may proceed in prize causes after appeal—Rev. Stats. sec. 565.

**§ 4638. Security for costs.**—The court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

**§ 4639. Costs and expenses.**—All costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize-property, when allowed by the court, shall be a charge upon such prop-

erty, and shall be paid from the proceeds thereof, unless the court shall decree restitution free from such charge.

*Root v. U. S. 9 Ct. of Cl. 211. Discretion of court in case of restitution—The Thompson, 3 Wall. 155; Glass v. The Betsey, 3 Dall. 16; Desty S. & A. § 447.*

**§ 4640. Payment of expenses from prize-fund.** No payments shall be made for any prize-fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, the fund for defraying the expenses of suits in which the United States is a party or interested.

**§ 4641. Payment of prize-money.**—The net amount decreed for distribution to the United States, or to vessels of the Navy, shall be ordered by the court to be paid into the Treasury of the United States, to be distributed according to the decree of the court. The Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the Navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the Navy, and not controlled by any Department of the Government, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one-half to the owners and one-half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court. In case of vessels not of the Navy, but controlled by either Executive Department,



the whole amount decreed to the captors shall be divided among the ship's company.

**§ 4642. Distribution of bounty, salvage, etc.**—All ransom-money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the Navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize-money, under the direction of the Secretary of the Navy.

See Rev. Stats. sec. 3689; *ante*, sec. 4631; *post*, sec. 4652.

**§ 4643. Assignments of prize-money, etc.**—Every assignment of prize or bounty money due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void, unless the same be attested by the captain, or other commanding officer, and the paymaster.

Commanding officers required to discourage the sale of prize-money, bounty-money, or wages—Rev. Stats. sec. 1430.

**§ 4644. Accounts of clerks of district courts.** The clerk of each district court shall render, to the Secretary of the Treasury and the Secretary of the Navy, a semi-annual statement of all the sums allowed by the court, and ordered to be paid, within the previous half-year, to the district-attorney and prize-commissioners for services, and to marshals for fees and commissions; and he shall, in all prize-causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize-cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. For these services he shall be entitled to receive the sum of twenty-five dollars in each prize-cause, which shall be in full for the services required by this action.

**§ 4645. Allowances to marshals.**—The marshal shall be allowed his actual and necessary expenses for the custody, care, preservation, insurance, sale, or other disposal of the prize-property, and for executing any order of the court respecting the same, and shall have a commission of one-quarter of one per centum on vessels, and of one-half of one per centum on all other prize-property, calculated on the gross proceeds of each sale;

and if, after he has had any prize-property in his custody, and has actually performed labor and incurred responsibility for the care and preservation thereof, the same is taken by the United States for its own use without a sale, or if it is delivered on stipulation to the claimants, he shall, in case the same is condemned, be entitled to one-half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated.

**§ 4646. The district attorney and prize-commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize-cause, to be adjusted and determined by the court, and to be paid as costs in the cause.**

*Emoluments of prize-commissioners—The Hattie and Cargo, Blatchf. Prize, 595; Desty S. & A. § 438.*

**§ 4647. Accounts of district attorney and prize-commissioner.**—Each district attorney and prize-commissioner, except the naval officer, shall render to the Attorney-General an annual account of all sums he shall have received for all services in prize-causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars a year, in addition to the maximum compensation allowed to be retained by him; under the provisions of Title XIII, "THE JUDICIARY," or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize-commissioner shall be allowed to retain a sum not exceeding three thousand dollars a year, which shall be in full for all his official services in prize causes; and any excess over those respective amounts shall be paid by the officer receiving the same into the Treasury of the United States, and shall be credited to the fund for paying naval pensions.

**§ 4648. Compensation of special counsel.**—The court may allow such compensation as it deems just under the circumstances of each case to any special counsel for captors, not being the district attorney or any of his assistants, whether appointed by an Executive Department or by captors, for services actually rendered in the cause, to be paid as costs, in whole or in part, either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made, except for

services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds.

**§ 4649. Fees of special counsel.**—Fees of special counsel in prize-cases incurred or authorized by any Department, or for the defense of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize-fund in the particular cause, and audited and allowed by the Department incurring or authorizing them, and by the Solicitor of the Treasury, shall be a charge upon, and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested.

Officers of the Departments required to perform all legal services required for other Departments—Rev. Stats. sec. 361. Attorney-General may retain special counsel—Rev. Stats. secs. 363-365.

**§ 4650. Commissions of auctioneers.**—The auctioneers employed to make sales of prize-property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one-half of one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on that sum on other prize-property, which shall be in full for expenses, as well as for services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case.

**§ 4651. Payment of fees of witnesses.**—Whenever the court shall allow fees to any witness in a prize-cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in the cause; and any amount not so repaid the marshal shall be allowed as witness-fees paid by him in cases in which the United States is a party.

**§ 4652. Recaptures.**—When any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as sal-

vage, according to the circumstances of each case. If the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the Treasury of the United States the salvage, costs, and expenses ordered by the court. If the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners, upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses. If the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner, upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen of the United States under like circumstances of recapture; or when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order. The whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize. Nothing in this title shall be construed to contravene any treaty of the United States.

Allowance of salvage in case of recapture—*The Adeline*, 9 Cranch, 244. See *The Star*, 3 Whart. 78. There is no distinction between a recapture by a public-armed vessel, and a recapture by a private-armed vessel—*The Leviathan*, 12 Opinions Attorneys-General, 289. Distribution of proceeds to captors—*ante*, §§ 4631-4642.

## TITLE LV.

## LIGHTS AND BUOYS.

- § 4653. Organization of the Light-House Board.
- § 4654. President of the board.
- § 4655. Chairman.
- § 4656. Meetings of the board.
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- § 4658. General powers and duties of board.
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- § 4661. Cession of jurisdiction requisite.
- § 4662. What cession is sufficient.
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- § 4679. Restriction on compensation of officers, etc.
- § 4680. Officers, etc., not to be interested in contracts.

§ 4653. **Light-House Board.**—The President shall appoint two officers of the Navy, of high rank, two officers of the Corps of Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, together with an officer of the Navy and an officer of engineers of the Army, as secretaries, who shall constitute the Light-House Board.

§ 4654. **President of the board.**—The Secretary of the Treasury shall be ex-officio president of the Light-House Board.

§ 4655. **Chairman.**—The Light-House Board shall elect, by ballot, one of their number as Chairman of the board, who shall preside at their meetings, when the

president is absent, and shall perform such acts as may be prescribed by the rules of the board.

§ 4656. Meetings of the board.—The Light-House Board shall meet, for the transaction of business, on the first Mondays in March, June, September, and December. But the Secretary of the Treasury may convene the board whenever, in his judgment, the exigencies of the service require it.

§ 4657. Regulation of meetings.—The Light-House Board may adopt such regulations for the government of their meetings as they judge expedient.

§ 4658. General powers and duties of board.—The Light-House Board shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all administrative duties relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies, and materials of all kinds, for building, and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States; and shall have the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Light-House Establishment.

The word "of" substituted for "to," in the ninth line—Amend. Act February 27th, 1877; 19 U. S. Stats. 252.

The Light-House Board to examine and report what light-houses, etc., are required on the Mississippi, Ohio, and Missouri Rivers—Act of June 22nd, 1874; 18 U. S. Stats. 201. Jurisdiction of Light-House Board extended over these rivers—Act of June 23rd, 1874; 18 U. S. Stats. 230.

§ 4659. Estimates of light-house expenses.—The Light-House Board shall furnish, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required, to be laid before Congress at the commencement of each session.

Appropriations for establishing light-houses—Rev. Stats. sec. 3035.

§ 4660. Purchase of sites for light-houses.—The Light-House Board is authorized, whenever an appropriation has been or may be made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land, pro-

vided the purchase-money be paid from the amount appropriated for such light-house.

Title to land to be purchased by the United States—Rev. Stats. sec. 265.

§ 4661. **Cession of jurisdiction requisite.**—No light-house, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States.

Assent of State to be procured—Rev. Stats. sec. 1838.

§ 4662. **What cession is sufficient.**—A cession by a State of jurisdiction over a place selected as the site of a light-house, or other structure or work of the Light-House Establishment, shall be deemed sufficient within the preceding section, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded in the same manner as if no cession had been made.

§ 4663. **Preliminary surveys.**—Whenever preliminary surveys are required to ascertain the necessity for any light-house, light-ship, beacon, or other warning to vessels, the erection of which is or may be authorized by law, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury may cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the Corps of Engineers. In all cases in which adverse reports are made, they shall be submitted to Congress at its next session. In all cases in which the objects authorized are favorably reported upon, the works may be commenced immediately after valid titles and cessions of jurisdiction shall have been obtained to the sites.

§ 4664. **Superintendents of construction, etc.** The President shall cause to be detailed from the Engineer Corps of the Army, from time to time, such officers as may be necessary to superintend the construction and renovation of light-houses.

§ 4665. **Contracts founded on official plans.**—The Light-House Board shall cause to be prepared by the engineer secretary of the board, or by such officer of engin-

eers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost, of all illuminating and other apparatus, and of construction and repair of towers, buildings, etc., connected with the Light-House Establishment, and no bid or contract shall be accepted or entered into, except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers.

**§ 4666. Regulation of contracts.**—All materials for the construction and repair of light-houses, light-vessels, beacons, buoys, and so forth, shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury, and all works of construction, renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer secretary, or of such engineer of the Army as may be detailed for that service.

**§ 4667. Advertisement for proposals.**—No contract for the erection of any light-house shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary of the Treasury.

**§ 4668. Substitution of light-houses for light-ships.**—Whenever any of the light-vessels occupying positions which are adapted to the erection of light-houses upon pile-foundations require to be rebuilt, or require such extensive repairs as to render the substitution of such light-houses advisable and practicable, such permanent structures may be erected in place of any such light-vessels; but the expense arising from all such changes and erections shall be defrayed from the general annual appropriations for repairs, and so forth, of light-vessels, except when a special appropriation is made for such change.

**§ 4669. Regulations for the light-house service.** The Light-House Board, with the approval of the Secretary of the Treasury, shall prescribe, and from time to time may alter or amend, and cause to be distributed, such regulations as they deem proper for securing an efficient, uniform, and economical administration of the Light-House Establishment.



**§ 4670. Light-house districts.**—The Light-House Board shall arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States, into light-house districts, not exceeding twelve in number.

**§ 4671. Light-house inspectors.**—An officer of the Army or Navy shall be assigned to each district as a light-house inspector, subject to the orders of the Light-House Board; and shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile, when traveling under orders connected with his duties.

**§ 4672. Collectors of customs to act as superintendents.**—The Secretary of the Treasury shall assign to any of the collectors of the customs the superintendence of such light-houses, beacons, light-ships, and buoys, as he deems best; but no person whose compensation as collector of customs exceeds three thousand dollars a year shall receive any compensation as disbursing agent for the Light-House Establishment, whether the sums disbursed by him be for articles to be used or services rendered within or without the limits of his superintendency or collection-district: *Provided*, That where the compensation of any collector as disbursing agent is not more than three thousand dollars a year, such agent shall receive for such services not more than four hundred dollars in any fiscal year.

**§ 4673. Their compensation.**—The Secretary of the Treasury is authorized to regulate the salaries of the respective keepers of light-houses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of six hundred dollars to each keeper.

Stations at light-houses—*ante*, § 4245.

**§ 4674. Discontinuance and re-establishment of lights.**—The Secretary of the Treasury may, upon the recommendation of the Light-House Board, discontinue from time to time such lights as may from any cause become useless or unnecessary. And he may, upon the like recommendation, from time to time re-establish any lights which have been thus discontinued, whenever he believes such re-establishment to be required by public convenience or the necessities of trade or commerce.

Holding out or showing false lights, or extinguishing any true light, a crime punishable by fine and imprisonment—Rev. Stats. sec. 5358.

**§ 4675. Sale of useless sites.**—The Secretary of the Treasury may, after a week's notice to the public, sell and convey any real estate no longer used for light-house purposes, the avails of such sale to be paid into the national Treasury.

Salaries and appropriation—Act June 23rd, 1874, 18 U. S. Stats. 217.

**§ 4676. Warnings to be placed over obstructions, etc.**—The Light-House Board may, when they deem it is necessary, place a light-vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbor, or in the channel or fairway of any bay or sound.

**§ 4677. Pier-heads to be marked.**—The Light-House Board shall properly mark all pier-heads belonging to the United States situated on the northern and northwestern lakes, whenever the board is duly notified by the department charged with the construction or repair of pier-heads that the construction or repair of any such pier-heads has been completed.

**§ 4678. Color of buoys prescribed.**—All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered, so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the star-board hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on either hand. Buoys in channel-ways shall be colored with alternate white and black perpendicular stripes.

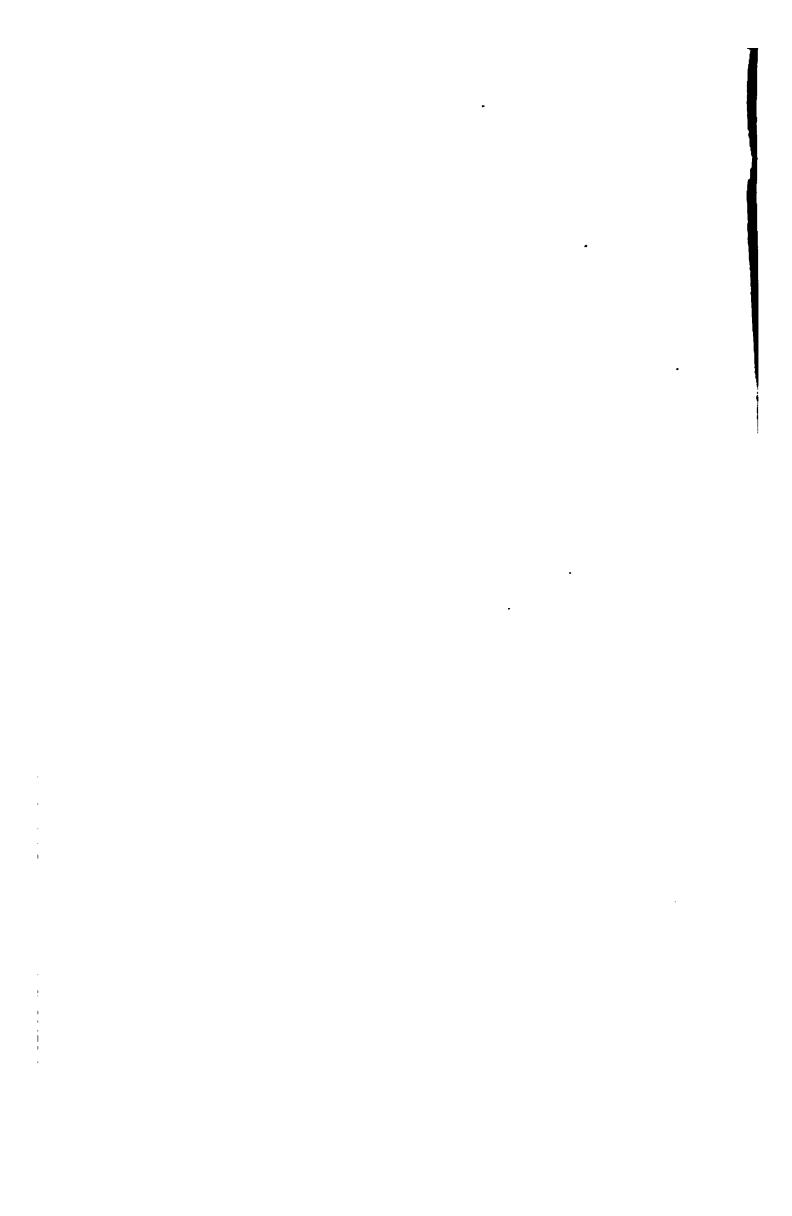
**§ 4679. Restriction upon compensation of officers, etc.**—No additional salary shall be allowed to any civil, military, or naval officer on account of his being employed on the Light-House Board, or being in any manner attached to the light-house service.

**§ 4680. Officers not to be interested in contracts.** No member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the light-house service.

# General Regulations

PROMULGATED BY

THE SECRETARY OF THE TREASURY UNDER  
THE NAVIGATION LAWS OF THE  
UNITED STATES.



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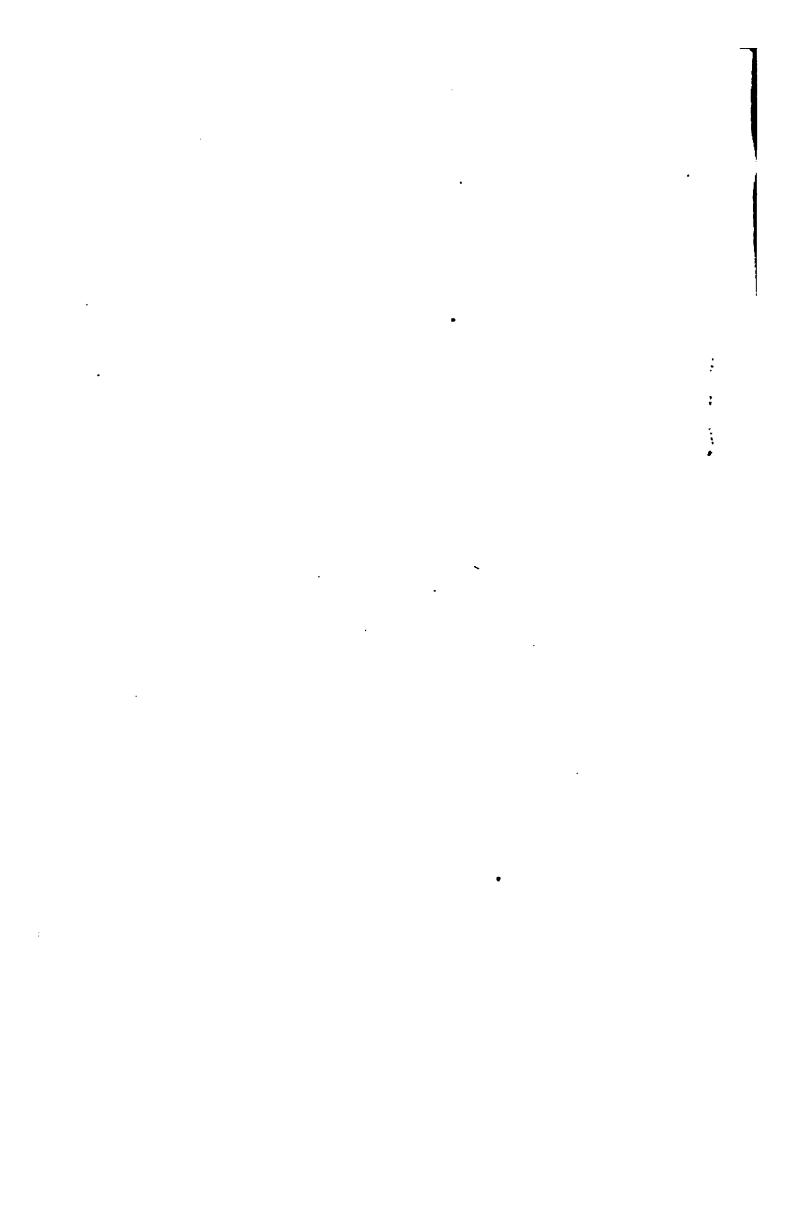
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## PART FIRST.

**REGISTRATION, ENROLMENT, AND  
LICENSING OF VESSELS.**

## CHAPTER I.

**VESSELS AND MARINE DOCUMENTS.***Vessels of the United States.*

**Article 1.** Vessels of the United States are those of five tons burden and upwards, possessed of certificates of registry, enrollments and licenses, or licenses, regularly and legally issued and in force.

Knowingly obtaining or using any such marine document, or other record or document granted in lieu thereof, for a vessel not entitled to the benefit thereof, subjects the vessel to forfeiture.

False swearing or affirming in respect to marine papers is made perjury, by law; and forging, counterfeiting, erasing, altering, or falsifying any document prescribed by the registry or coasting acts, is punishable by fine of five hundred (\$500) dollars.

Rev. Stats. secs. 4131, 4189, 4311, 4371, 4375; Desty S. & A. § 15.

**Art. 2.** A vessel's home port is that at or nearest to which the owner resides, or, if there be more than one owner, to the port at or nearest to which the husband, or managing owner, usually resides.

Rev. Stats. sec. 4141; Desty S. & A. § 12.

**Art. 3.** The name of every vessel and her home port must be painted on her stern in white letters of not less than three inches in length, on black ground; and every steam-vessel of the United States must, in addition, have her name conspicuously placed, in distinct plain letters of not less than six inches in length, on each outer side of the pilot-house, if there is one, and, in case the vessel has

side-wheels, also on the outer side of each wheel-house. In default of these requirements, the owners, in case of a registered vessel, forfeit fifty (\$50) dollars; in case of a licensed vessel, twenty (\$20) dollars.

When a vessel has been documented by a given name, such name cannot be changed except by special act of Congress. To change in any way the name of a vessel of the United States, without such authority, or by any device, advertisement, or contrivance to deceive, or attempt to deceive, as to her true name, entails a forfeiture of the vessel.

Rev. Stats. secs. 4178, 4183, 4334; Desty S. & A. § 11.

*Vessels entitled to documents.*

**Art. 4.** Vessels entitled to receive marine papers under existing laws are—

*Class 1.* Those built within the United States, and, at the time of application for papers, wholly owned by a citizen or citizens of the United States, and never sold to a citizen or subject of a foreign power after being documented as vessels of the United States.

*Class 2.* Vessels built in the United States under foreign ownership, in whole or in part, duly recorded in pursuance of law, on being purchased and wholly owned by a citizen or citizens of the United States, and never before registered, enrolled, or licensed under the laws of the United States.

*Class 3.* Vessels captured in a war to which the United States is a party, by a citizen or citizens thereof, lawfully condemned as prize, and wholly owned by a citizen or citizens of the United States.

*Class 4.* Vessels which have been adjudged to be forfeited for a breach of the laws of the United States, and wholly owned by a citizen or citizens thereof.

*Class 5.* Vessels built in a foreign country, and wrecked within the waters of the United States, purchased and repaired by a citizen or citizens of the United States, at a cost equal to three-fourths of the cost of the vessel when repaired.

Rev. Stats. sec. 4132; chap. 5, sec. 4136; Desty S. & A. § 9.

**Art. 5.** A vessel is not entitled to be documented as a vessel of the United States, or, if so documented, to the benefits thereof, if owned, in whole or in part, by any person naturalized in the United States and residing for more than one year in the country from which he origi-

nated, or for more than two years in any foreign country, unless in the capacity of a consul, or other public agent of the United States. But a vessel so owned and documented, if sold, in good faith, to a citizen of the United States, may, on satisfactory proof of such citizenship to the collector, and due compliance with the other provisions of law, receive marine papers anew as a vessel of the United States.

The law contains no provision for the issue of marine documents, either permanent or temporary, to a vessel absent from the district in which application for papers is made.

Rev. Stats. sec. 4134; Desty S. & A. § 11.

**Art. 6.** Marine documents may be issued for vessels owned by an incorporated company within the United States in the name of the president or secretary of such company, and they will not be vacated or affected by a sale of a share or shares of a stockholder or stockholders in such company, even though such stockholders be foreigners.

Rev. Stats. sec. 4313.

**Art. 7.** Steamboats employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed in the same manner as vessels of the United States.

Rev. Stats. secs. 4316, 4317.

**Art. 8.** A vessel documented as a vessel of the United States in pursuance of law, and afterward seized or captured, and condemned under the authority of any foreign power, or that shall by sale become the property of a foreigner or foreigners, is not entitled to receive new marine papers, notwithstanding such ship or vessel shall afterward become American property; but the person, being a citizen of the United States, owning a ship or vessel at the time of the seizure or capture of the same, or his executors or administrators, may, if he or they regain, by purchase or otherwise, a property in such vessel so condemned, receive new papers, on due compliance with the conditions prescribed by law.

This privilege is granted only to the owner of a vessel, his executors, and administrators, when dispossessed by seizure, or capture and condemnation, under the authority of a foreign government.

A voluntary sale of a documented vessel to a person

not a citizen of the United States, excludes the vessel from the privilege of subsequent registry.

Rev. Stats. sec. 4165; Desty S. & A. § 16.

**Art. 9.** A documented vessel of the United States, which during the existence of the late rebellion was licensed or otherwise authorized to sail under a foreign flag, with the protection of a foreign government, cannot be again documented except in cases where the provisions of the law relative to vessels wrecked in the waters of the United States may apply.

Rev. Stats. secs. 4135, 4136; Desty S. & A. § 10.

**Art. 10.** Every documented vessel is required by law to have an official number, awarded by the Bureau of Statistics upon application of the master or owner, through a collector of customs.

For all seagoing vessels of 100 tons or over the number consists of certain numerals and letters; and for all other vessels the number consists of numerals only.

The official number, but not the signal letters, of a vessel must be carved or marked on her main-beam, preceded by the abbreviation "No.," and her name and number must appear in all papers relating to her.

The owner or master of a seagoing vessel of 100 tons or over, to which numerals only have been awarded, desiring to have letters attached also, will apply to the nearest collector of customs, who will make application therefor to the Bureau of Statistics, giving her name, rig, tonnage, and home port.

Rev. Stats. sec. 4177; Desty S. & A. §§ 19, 20.

**Art. 11.** The vessel's tonnage is required to be carved or permanently marked on her main-beam, and if at any time either the number or tonnage ceases to be so marked, the vessel will not be recognized as a vessel of the United States.

Rev. Stats. secs. 4163, 4177; Desty S. & A. § 19.

**Art. 12.** Upon the entry of a ship or vessel of the United States from a foreign port or place, the owner, or part owner, if resident at the port of entry, shall make oath or affirmation that the certificate of registry of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such certificate, that such is the case, and that no foreign citizen or subject has, to the best of his knowledge and be-

lief, any share, by way of trust, confidence, or otherwise, in such vessel; or, if owned by an incorporated company, that the register exhibits a true and actual ownership.

If the owner, or part owner, does not reside at the port or place at which such vessel enters, then the master or commander shall make the required oath or affirmation.

If the owner, or part owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as required, such vessel shall not be entitled to the privileges of a vessel of the United States.

Rev. Stats. secs. 4173, 4313; Act of February 27th, 1877.

**Art. 13.** The officers of all vessels of the United States must be citizens of the United States.

## CHAPTER II.

### MARINE DOCUMENTS.

*The issue of marine documents, and their several kinds.*

**Art. 14.** Marine documents consist of certificates of registry, enrolments, and licenses.

**Art. 15.** In addition to these, sea-letters and Mediterranean passports may be issued by collectors, on application, to registered vessels engaged in the foreign trade by sea, as an additional protection and evidence of nationality; they are to be in all cases surrendered with the certificate of registry.

Rev. Stats. secs. 4306, 4307.

#### *Registration of vessels.*

**Art. 16.** Certificates of registry are required for vessels of the United States engaged in the foreign trade.

**Art. 17.** Registers are of two descriptions—

*First.* Permanent registers, granted by collectors to vessels belonging to ports within their respective districts.

*Second.* Temporary registers, granted by collectors to vessels not belonging to ports within their respective districts.

These two classes of registers should be distinguished from each other by writing the word permanent or temporary, in a strong engrossing hand, in the margin immediately above the number; and the same rule must be observed in respect to the copies and records.

Certificates of permanent registry are to be granted—

*First.* To vessels enumerated in Article 4, belonging to the district in which the application is made.

*Second.* To vessels belonging to a port in the district where the application is made, on an oath or affirmation being first made, (Form No. 22,) that the former certificate of registry has been lost, destroyed, or accidentally mislaid, the requirements of the law in other cases being also first complied with.

*Third.* To vessels belonging to a port within the district, on the surrender of a certificate of temporary registry granted in another district.

*Fourth.* To vessels belonging to a port within the district, on the surrender of a certificate of enrolment granted in the same or another district.

**Art. 18.** Certificates of temporary registry are to be granted—

*First.* When a vessel is purchased, in whole or in part, or owned by a citizen or citizens of the United States, the same being within any district other than the one in which he or they usually reside; or when a vessel is purchased, in whole or in part, by the agent or attorney of a citizen or citizens living in a district comprehending the port to which the vessel will, by virtue of such purchase, and by force of law, belong, being more than fifty miles distant from the district where such vessel is at the time of purchase by the agent or attorney.

*Second.* In case a vessel shall arrive within any district other than that to which she belongs, and it shall be proved, by an oath or affirmation thereof duly made, that her certificate of registry has been lost, destroyed, or accidentally mislaid, the other requirements of law in such case having been complied with.

*Third.* In case an enrolled and licensed vessel shall arrive in any other district than that to which she belongs, and the master of the vessel shall surrender the enrolment and license, and make oath or affirmation, (Form No. 21,) that the property remains as expressed in the surrendered enrolment.

Rev. Stats. sec. 4159, 4167, 4168, 4332; Desty S. & A. § 20.

**Art. 19.** In order to the registry of a vessel of the first class, (Article 4,) not before documented, it is necessary to produce a certificate from the principal or master carpenter by whom, or under whose direction, the vessel was built, certifying that she was so built, the place, time, persons for whom built, her build, number of decks and masts, length, breadth, depth, and tonnage, and such other particulars as are usually descriptive of the identity of a vessel. This certificate will be sufficient to authorize the removal of a new vessel, if in ballast only, from the district where she may have been built to another district in the same or an adjoining State where the owner or owners actually reside.

The certificate will be substantially as follows:

## FORM No. 1.

*Master carpenter's certificate.*

DISTRICT OF \_\_\_\_\_

[Place and date.]

I, \_\_\_\_\_, principal (or master) carpenter, of \_\_\_\_\_, do certify that the (ship) named the \_\_\_\_\_ was built by me, (or under my direction,) at \_\_\_\_\_ during \_\_\_\_\_ for \_\_\_\_\_; that said \_\_\_\_\_ is \_\_\_\_\_ built, has \_\_\_\_\_ decks, \_\_\_\_\_ masts, is \_\_\_\_\_ in length, \_\_\_\_\_ in breadth, \_\_\_\_\_ in depth, of \_\_\_\_\_ tons burden \_\_\_\_\_.

As witness my hand the day and year aforesaid.

\_\_\_\_\_

Any certificate in which the requirements of the law are fairly and fully complied with, though not precisely in the above form, will be admitted; and where, from any cause, it is found impracticable to obtain the certificate of the principal or master carpenter, other competent evidence establishing the particulars and facts required to be certified by him may be admitted; but the production of his certificate shall not be waived, nor secondary evidence substituted therefor, without the previous authority of the Secretary of the Treasury.

Rev. Stats. sec. 4147.

**Art. 20.** The owners, or one of the owners, must make oath or affirmation before the collector, according to the following form:

## FORM No. 2.

*Oath of owner of vessel.*

I, \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, and State of \_\_\_\_\_, do swear, (or affirm,) according to the best of my knowledge and belief, that the vessel called the \_\_\_\_\_, of \_\_\_\_\_, is of burden \_\_\_\_\_ tons and \_\_\_\_\_, and was \*built at \_\_\_\_\_, in the State of \_\_\_\_\_, in the year \_\_\_\_\_; that I am a citizen of the United States; that my present usual place of residence or abode is \_\_\_\_\_, in the county of \_\_\_\_\_ and State of \_\_\_\_\_; that I †[am the true and sole owner of said vessel; that no subject or citizen of any foreign power is, directly or indirectly, by way of trust, confidence, or otherwise, interested therein, or in the profits or issues thereof, and that \_\_\_\_\_, the



present master thereof, is a citizen of the United States, having been †[born within the limits thereof.]

Sworn to and subscribed before me this — day of —, 18—.

—, Collector.

If the vessel be of the third class, the following clause must be substituted for the portion in brackets marked\*:

On the — day of —, one thousand eight hundred and —, captured in war by a citizen (or citizens) of the United States, and lawfully condemned as a prize by a decree, sentence, or judgment of the — court of —, an authenticated copy of which I now produce.

If of the fourth class, the following:

Adjudged to be forfeited for a breach of the laws of the United States, by a decree, sentence, or judgment of the — court of —, an authenticated copy of which I now produce.

If of the fifth class, the following:

Wrecked within the waters of the United States, purchased and repaired by a citizen (or citizens) of the United States, according to law, and authorized to be registered by the Secretary of the Treasury, by letter under date of —, an authenticated copy of which I now produce.

In all cases where there is more than one owner, the parts or proportions of the vessel owned by each must be stated in the oath, and the following clause must be substituted for that in brackets marked † in the foregoing form:

And —, of —, in the State of —, —, of —, &c., [inserting name, business, and place of residence of every owner,] and if such be the case, — residing at present in a foreign country at —, in the [kingdom or state] in the capacity of a consul of the United States, or, if it be so, as an agent for and a partner in the house or copartnership of —, consisting of citizens of the United States, and actually carrying on trade at —, in the State of —,] and all citizens of the United States, are the true and only owners of the said vessel in the following proportions, to wit: —.

If the master is not a native of the United States, the means whereby he became a citizen must be inserted in lieu of the clause in brackets marked † as follows:

Naturalized in the State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, by virtue of a decree or order of the \_\_\_\_\_ court of \_\_\_\_\_, and the oath of allegiance according to law.

The clause of the foregoing oath or affirmation, relating to the citizenship of the master, must be taken by the master himself, and not by the owner, if the master be within the district where the vessel is to be registered.

In certain cases the oath of the managing owner may be taken by an agent, (Form No. 6.) See Article 32.

In case any of the matters of fact contained in (Form No. 2) the oath or affirmation be false, there shall be a forfeiture of the vessel, her tackle, furniture, and apparel, or of the value thereof, to be recovered, with costs of suit, of the person so making such oath or affirmation; but if that portion relating to the citizenship of the master be taken by the latter and prove false, the foregoing forfeiture shall not be incurred, but the master or other person in charge, so falsely swearing or affirming, shall himself forfeit the sum of one thousand (\$1,000) dollars.

Rev. Stats. sec. 4142; Desty S. & A. § 13.

**Art. 21.** The husband, or acting and managing owner of the vessel, together with the master thereof, and one or more sureties to the satisfaction of the collector of the district where the registry is to be made, shall then become bound to the United States, if such vessel shall be of burden not over fifty tons, in the sum of four hundred (\$400) dollars; if of more than fifty and not exceeding one hundred tons, in the sum of eight hundred (\$800) dollars; if above one hundred and not exceeding two hundred tons, in the sum of twelve hundred (\$1,200) dollars; if above two hundred and not exceeding three hundred tons, in the sum of sixteen hundred (\$1,600) dollars; and if of burden exceeding three hundred tons, in the sum of two thousand (\$2,000) dollars. The form of the bond shall be as follows:

#### FORM NO. 3.

##### *Bond for registry.*

Know all men by these presents, that we, \_\_\_\_\_ and \_\_\_\_\_, are held and firmly bound unto the

United States of America in the just and full sum of \_\_\_\_\_; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

The condition of this obligation is such, that whereas \_\_\_\_\_, collector of the district of \_\_\_\_\_, has registered, in the manner prescribed by Chapter one of Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States, the \_\_\_\_\_ called the \_\_\_\_\_, burden \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, and has granted a certificate of said registry, which certificate is dated \_\_\_\_\_, and numbered \_\_\_\_\_; now, therefore, if the said certificate of registry shall be solely used for the said \_\_\_\_\_ for which it has been granted, and shall not be sold, lent, or otherwise disposed of to any person or persons whomsoever; and in case the said \_\_\_\_\_ shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she belongs, if the said certificate (if preserved) shall, within eight days after the arrival of the master, or person having the charge or command of the said \_\_\_\_\_ within any district of the United States, be delivered up to the collector of such district; or if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of, or interested in, the said \_\_\_\_\_, the same being within a district of the United States, if the said certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; or if such purchase, change, or transfer of property shall happen when the said \_\_\_\_\_ shall be at any foreign port or place, or at sea, if the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district, then the said obligation shall be void and of no effect; but otherwise shall remain in full force and virtue.

\_\_\_\_\_  
\_\_\_\_\_  
Signed, sealed, and delivered in the presence of—  
\_\_\_\_\_.

**Art. 22.** Before a vessel is registered she must be admeasured by the surveyor of the port, or a person appointed by him; or, if there be no surveyor, by a person appointed by the collector.

For the information of, and as a voucher to, the officer making the registry, the officer or person making such admeasurement shall grant a certificate specifying the build of such vessel, and whether she be a steamer or otherwise, whether her hull be of iron or wood, and, if a steamer, whether she has side-wheels or a screw; also her number of decks and masts, her length, breadth, depth, the number of tons she measures, and that her name, and the name of the place to which she belongs, are painted on her stern, and also that her tonnage is deeply carved on her main-beam in conformity to law, and such other particulars as are usually descriptive of the identity of a ship or vessel, according to the form hereinafter prescribed, which must be countersigned in token of assent by an owner, or by the master, or by an agent of the owner or owners, and preserved as a permanent record in the custom-house.

Rev. Stats. secs. 4148, 4150.

**Art. 23.** Vessels propelled in whole or in part by steam, must, before receiving a license, enrolment, register, or other papers, undergo inspection of the proper officers and receive certificates that the laws relating to the construction and equipment of steam-vessels have been complied with.

Rev. Stats. sec. 4399.

**Art. 24.** The foregoing requirements having been complied with, the collector shall make and keep a registry of the vessel, and shall grant a certificate of registry in the form following:

#### FORM No. 4.

##### *Certificate of registry.*

In pursuance of Chapter one of Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States, and of "An act to regulate the admeasurement of tonnage of ships," [inserting here the name, occupation, and place of abode of the person by whom the oath or affirmation aforesaid shall have been made,] having taken or subscribed the oath (or affirmation) required by the said act, and having sworn (or affirmed) that he (or she) and, if more than one owner, adding the words "to-

gether with," and the name or names, occupation or occupations, place or places of abode, of the other owner or owners,] is (or are) the only owner (or owners) [if more than one, stating the proportions or parts of the ship or vessel owned by each owner] of the ship (or vessel) called the \_\_\_\_\_, of \_\_\_\_\_; whereof \_\_\_\_\_ is at present master, who is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built, or the means whereby she became entitled to American registry,] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed or admeasured] having certified [or, if the vessel has been previously documented, referring to the former document by date and number] that the said ship or vessel has \_\_\_\_\_ decks, and \_\_\_\_\_ masts, and that her length is \_\_\_\_\_ feet, her breadth \_\_\_\_\_, her depth \_\_\_\_\_, her height \_\_\_\_\_, and that she measures \_\_\_\_\_ tons, viz:

	Tons.	Hundredths.
Capacity under tonnage deck.....		
Capacity between decks above tonnage deck.....		
Enclosures on the upper deck.....		
<b>Total tonnage.....</b>		

that she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head;] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned as aforesaid] having agreed to the description and admeasurement above specified, and sufficient security having been given according to law, the said ship (or vessel) has been duly registered at the port of \_\_\_\_\_.

Given under my hand and seal at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, [specifying the number of year in words at length.]

\_\_\_\_\_, Collector.

If the master shall have made oath or affirmation touching his citizenship, the certificate of registry will so state.

Rev. Stats. sec. 4155; Desty S. & A. § 19.

**Art. 25.** Blank certificates of registry, attested under the seal of the Treasury Department and the hand of the Register, will be furnished to collectors, by whom the certificates must be signed and sealed before they are issued. If there be a naval officer at the port, the certificates must be countersigned under seal by him before they are issued, and if there be a surveyor, but no naval officer, they must be so countersigned by him.

A copy of each must be transmitted to the Register of the Treasury.

Rev. Stats. sec. 4158.

**Art. 26.** The collector of each district must progressively number the certificates of registry granted by him, beginning anew at the commencement of each fiscal year, and must enter an exact copy of each certificate in a book to be kept for that purpose, and must transmit, once in three months, to the Register of the Treasury, copies of all the certificates granted by him, including the number of each.

Rev. Stats. sec. 4176.

**Art. 27.** In order to the registry of vessels of the second class, (Article 4,) the proceedings will be the same as above directed, except that the master carpenter's certificate will be unnecessary, and the admeasurement also, if the certificate of record correctly indicates the tonnage of the vessel.

**Art. 28.** In case of application for the registry of vessels entitled thereto by reason of having been condemned for a violation of a law of the United States, or captured in war by a citizen or citizens of the United States, and condemned as lawful prize, (classes 3 and 4, Article 4,) the same being wholly owned by a citizen or citizens of the United States, the collector must be furnished, in addition to all the foregoing requirements, except the master carpenter's certificate, with a properly authenticated copy of the decree, judgment, or sentence of the court pronouncing the condemnation, and with the proof of the applicant's ownership; the owner's oath will be modified as indicated in form No. 2.

Rev. Stats. sec. 4142; Desty S. & A. § 13.

**Art. 29.** In case of application for the registry of a vessel of foreign build, (class 5, Article 4,) wrecked in the waters of the United States, and purchased and repaired by a citizen or citizens thereof, the applicant must furnish the collector of the port to which the vessel belongs, proof

of the wreck within the waters of the United States, of his title thereto by purchase, of the citizenship of the owner or owners, of the amount of purchase money paid therefor, and a detailed statement of the items of expenditure for repairs, accompanied by the bills received, which are to be compared with the statement by the collector, and his opinion on the case officially certified on the statement, which will be submitted by the collector, with the other papers in the case, to the Secretary of the Treasury, who, if he shall find the same satisfactory, and that the repairs have amounted to three-fourths of the entire cost of the vessel, will return the papers to the collector, with his special authority to register the vessel and issue a certificate thereof, furnishing the applicant with a duly authenticated copy of such authority.

All the foregoing requirements must then be complied with, except that the master carpenter's certificate will not be required, and the oath will be modified as indicated in Article 20.

The cost of repairs to the wrecked vessel must not be less than three-fourths of the entire cost to her purchasers and repairers.

For instance, if the purchase money of the vessel amount to five hundred (\$500) dollars, the sum expended in repairs must equal three times that amount, or fifteen hundred (\$1,500) dollars, to come within the relief of the law, the aggregate cost being two thousand (\$2,000) dollars, and three-fourths of it being for repairs.

Repairs must be in their character permanent *bona fide* repairs to the hull and standing rigging rendered necessary by the disaster of the wreck.

The expenses of a new suit of sails, of running rigging, anchors and chains, and painting, are not ordinarily included in the computation.

The wreck must be shown to be real, and free from all manner of collusion, or the privilege of registry will be refused.

This privilege does not apply to vessels found derelict at sea, or drifted ashore in the United States after having been thus abandoned at sea, nor to vessels condemned by a board of survey in a port of the United States, and sold on account of injuries sustained during the voyage, not in the waters of the United States.

Rev. Stats. sec. 4136; Desty S. & A. §§ 3, 10.

**Art. 30.** In order to the issue of a certificate of registry to a vessel owned by an incorporated company, the same course must be pursued, and the same preliminary evi-

dence required as in other cases, with the exception of the oath, which will be in the following form:

## FORM No. 5.

*Oath of officer of incorporated company.*

I, \_\_\_\_\_, president (or secretary, as the case may be) of \_\_\_\_\_ company, incorporated under the laws of the State of \_\_\_\_\_, do swear (or affirm) according to the best of my knowledge and belief, that the \_\_\_\_\_ called the \_\_\_\_\_, at \_\_\_\_\_, is of the burden of \_\_\_\_\_, and was built at \_\_\_\_\_, in the State of \_\_\_\_\_, in the year of \_\_\_\_\_, [or the other means whereby she became entitled to American registry according to the forms in Article 20;] that I am a citizen of the United States, and that the said \_\_\_\_\_ is owned by different persons in shares (or whatever the fact may be,) and that \_\_\_\_\_, the present master or commander of said vessel, is also a citizen of the United States, having been born within the limits thereof, (or as the case may be, having been naturalized in the State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, in conformity with the several laws respecting naturalization:.) So help me God.

\_\_\_\_\_

PORT OF \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

\_\_\_\_\_, Collector.

If the master or commander of the steamboat or vessel shall be within the district when the application for registry shall be made, he must take the oath as to his citizenship, and state the means whereby or manner in which he became a citizen.

On the death, removal, or resignation of the president or secretary of any incorporated company owning any such steamboat or vessel, a new document must be issued for such vessel.

**Art. 31.** When a vessel entitled to be registered under the laws of the United States, shall be purchased, or become owned, by a citizen or citizens of the United States, the vessel being in a district other than the one in which he or they usually reside, the collector of the district within which the vessel may be at the time of his or their becoming owner, or owners, on due compliance by him or them with the provisions in order to the registry of vessels, shall issue a certificate of temporary registry, to be surrendered to the collector of the district comprehending



the port to which such vessel shall belong, on her arrival within said district, and by such collector transmitted to the collector who granted it; and should the certificate not be so surrendered, the owner and master shall severally forfeit the sum of one hundred (\$100) dollars, to be recovered with costs of suit, and the certificate shall be thenceforth void; and the oath or affirmation may be taken, at the option of the owner, either before the collector of the district where the vessel belongs or before the collector of the district where the vessel may be.

Rev. Stats. secs. 4159, 4160; Desty S. & A. §§ 16, 17.

**Art. 32.** In case a citizen or citizens of the United States shall, by purchase made by an agent or attorney, become the owner or owners of a ship or vessel entitled to registry under the laws of the United States, being more than fifty miles distant, by the nearest usual route by land from the district comprehending the port to which the vessel will by virtue of such purchase legally belong, then the agent or attorney of the owner or owners may, in his or their stead, comply with the conditions herein mentioned as requisite to a registry, and may take the oath or affirmation required, according to the following form:

FORM No. 6.

*Oath of agent or attorney of owner.*

I, \_\_\_\_\_, of the city of \_\_\_\_\_, in the county of \_\_\_\_\_, and State of \_\_\_\_\_, do swear (or affirm) that I am agent (or attorney) for \_\_\_\_\_, in the State of \_\_\_\_\_, \_\_\_\_\_, of \_\_\_\_\_, in the State of \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, in the State of \_\_\_\_\_; that I have, in good faith, purchased for the said \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, the vessel called the \_\_\_\_\_, of \_\_\_\_\_; that, according to the best of my knowledge and belief, the said vessel is of the burden, etc., [here mention the tonnage, when and where built, and other particulars, as in form No. 2.]

Subscribed, etc.

The provisions requiring the master to take the oath or affirmation of his citizenship, and the penalties for false swearing by the master or owner, are the same as in other cases.

On due compliance with these requirements by the agent or attorney, the collector where the vessel may be will grant a certificate of temporary registry, to be surrendered

on arrival of the vessel within the district comprehending the port to which the vessel belongs. The penalty for the omission to surrender the certificate of temporary registry at the time of arrival is the same as in the case mentioned in Article 31.

On surrender of the certificate of temporary registry to the collector of the port to which the vessel belongs, within the time limited by law, the collector of such home port may, in each such case, issue a certificate of permanent registry, referring therein to the former certificate of registry for her admeasurement, if no change of tonnage since the issue of her former certificate has taken place, dispensing with the production of the master carpenter's certificate and surveyor's certificate of admeasurement, but requiring the owner's oath and bond, in the usual form, and seeing that the other usual requirements are observed.

Rev. Stats. secs. 4161-63; Desty S. & A. § 13.

**Art. 33.** The provisions of law in regard to the issue of certificates of temporary registry, in these and all other cases when they are issued, and their due surrender to collectors on arrival at the home port, will be carefully observed, and the penalties therein prescribed, when incurred, must be enforced.

*Enrolment and license for the coasting trade and fisheries.*

**Art. 34.** Vessels of twenty tons burden and upwards, enrolled in pursuance of law, and having a license in force, or, if of five tons and less than twenty tons, not being enrolled but having a license in force, are deemed vessels of the United States, entitled to the privileges of vessels employed in the coasting trade and fisheries.

In order to the enrolment of a vessel, she must possess the same qualifications, and the same requirements in all respects must be complied with, as are made necessary by law for the registration of vessels.

The same authorities and duties are given to and imposed on all officers, respectively, and the same proceedings must be had in similar cases in relation to enrolments; and the vessels enrolled, with the master, owner or owners thereof, are subject to the same requirements as are, in those respects, prescribed in regard to registered vessels.

Rev. Stats. secs. 4311, 4312; Desty S. & A. § 22.

**Art. 35.** On application for enrolment, the requirements of law and regulations, as in case of registry, having been complied with, the husband, or acting and managing owner, together with the master of the vessel, and one or more sureties to the satisfaction of the collector of the district making such enrolment, must become bound to the United States, if such vessel shall be of burden not exceeding fifty tons, in the sum of four hundred (\$400) dollars; if of burden above fifty tons and not exceeding one hundred, in the sum of eight hundred (\$800) dollars; if of burden above one hundred tons and not exceeding two hundred, in the sum of twelve hundred (\$1,200) dollars; if of burden above two hundred tons and not exceeding three hundred, in the sum of sixteen hundred (\$1,600) dollars; and if of burden exceeding three hundred tons, in the sum of two thousand (\$2,000) dollars; in the following form:

FORM No. 7.

*Bond on enrolment.*

Know all men by these presents that we, \_\_\_\_\_, are held and firmly bound to the United States of America in the just and full sum of \_\_\_\_\_; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

The condition of the foregoing obligation is such, that whereas \_\_\_\_\_, collector for the district of \_\_\_\_\_, has issued and granted a certificate of enrolment in the manner prescribed by Title L of the Revised Statutes of the United States, "Regulation of Vessels in Domestic Commerce," for the \_\_\_\_\_, called the \_\_\_\_\_, \_\_\_\_\_ burden, whereof \_\_\_\_\_ is at present master; which certificate is dated \_\_\_\_\_, and numbered \_\_\_\_\_: Now, therefore, if the said certificate of enrolment shall be solely used for the said \_\_\_\_\_ for which it has been granted, and shall not be sold, lent, or otherwise disposed of to any person or persons whomsoever; and in case the said \_\_\_\_\_ shall be lost or taken by an enemy, burnt or broken up, or shall be otherwise prevented from returning to the port to which she belongs, if the said certificate (if preserved) shall, within eight days after the arrival of the master or person having the charge or command of the said \_\_\_\_\_ within any district of the United States, be delivered up to the

collector of such district; or if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in, the said ———, the same being within a district of the United States, if the said certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; or if such purchase, change, or transfer of property shall happen when the said ——— shall be at sea, if the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; or if the said ——— shall not proceed on a voyage to any foreign port or place without being duly licensed according to law for carrying on the cod, whale, or mackerel fishery, and without obtaining a permit to touch and trade at a foreign port or place during such voyage, or without previously surrendering said certificate of enrolment to the collector of the district from which such foreign voyage shall be proposed to be made, then the said obligation shall be void and of no effect; but otherwise shall remain in full force and virtue.

Signed, sealed, and delivered in presence of—  
\_\_\_\_\_

Rev. Stats. sec. 4317.

**Art. 36.** A record of the enrolment must be made by the collector, and an abstract or copy thereof, granted as nearly as may be, in the terms following:

FORM No. 8.

*Certificate of enrolment.*

Enrolment in conformity to Title I, "Regulation of Vessels in Domestic Commerce" of the Revised Statutes of the United States, and of Chapter one, Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States.

[Inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,] having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she) [and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of

abode, of the owner or owners,] is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) [if more than one, stating the proportions or parts of the ship or vessel owned by each owner] of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, and, as he hath sworn, (or affirmed,) a citizen of the United States, and that the said ship or vessel was [inserting here when and where built, or the means whereby she becomes entitled to enrolment,] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed or admeasured, or, if she has been previously documented, referring to such document] having certified that the said ship or vessel has \_\_\_\_\_ decks and \_\_\_\_\_ masts, and that her length is \_\_\_\_\_ feet, her breadth \_\_\_\_\_, her depth \_\_\_\_\_, her height \_\_\_\_\_, and that she measures \_\_\_\_\_ tons and \_\_\_\_\_ hundredths, viz:

	Tons.	Hundredths.
Capacity under tonnage deck.....		
Capacity between decks above tonnage deck.		
Enclosures on the upper deck, viz:		
Total tonnage.....		

That she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head,] and the said [naming the owner, or master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned,] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said acts, the said ship or vessel has been duly enrolled at the port of \_\_\_\_\_.

Given under my hand and seal at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, [specifying the number of the year in words at length.]

Rev. Stats. sec. 4912; Desty S. & A. § 22.

**Art. 37.** Vessels duly enrolled, and vessels of less than twenty tons burden not enrolled, but proved in the mode prescribed to have the qualifications as to build and own-

ership required in the case of registered and enrolled vessels, in order to become entitled to the privileges of vessels of the United States qualified to carry on the coasting trade or fisheries, must be licensed therefor in due form.

Before the issuing of such license, the husband or managing owner, together with the master thereof, with one or more sureties, to the satisfaction of the collector granting the same, must become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty, the sum of one hundred (\$100) dollars; and if of twenty tons and not exceeding thirty, the sum of two hundred (\$200) dollars; and if above thirty tons and not exceeding sixty, the sum of five hundred (\$500) dollars; and if above sixty tons, the sum of one thousand (\$1,000) dollars, in the form and conditions following, to wit:

## FORM No. 9.

*Bond for license for coasting trade or fisheries.*

Know all men by these presents, that we, \_\_\_\_\_, husband or managing owner, and \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, and \_\_\_\_\_, all of \_\_\_\_\_, in \_\_\_\_\_, are held and firmly bound to the United States of America in the just and full sum of \_\_\_\_\_; for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated \_\_\_\_\_.

The condition of the foregoing obligation is such, that whereas \_\_\_\_\_, collector for the district of \_\_\_\_\_, has, in the manner prescribed by Title L, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes of the United States, issued and granted for the \_\_\_\_\_, called the \_\_\_\_\_, of \_\_\_\_\_, burden \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, a license for carrying on the \_\_\_\_\_ for one year from \_\_\_\_\_, which license is dated \_\_\_\_\_ and numbered \_\_\_\_\_: Now, therefore, if it shall appear within two years from the date hereof that the said \_\_\_\_\_ has, during the time for which the said license is granted or shall remain in force, been employed in any trade whereby the revenue of the United States shall have been defrauded, then the said obligation shall be good, and remain in full force; but otherwise it shall be void and of no effect.

Signed, sealed, and delivered in the presence of—  
\_\_\_\_\_.

**Art. 38.** The master of a vessel, on the issue of the license, must make oath or affirmation in the following form:

FORM No. 10.

*Oath or affirmation of master of licensed vessel.*

I, \_\_\_\_\_, master (or commander) of the vessel called the \_\_\_\_\_, of \_\_\_\_\_, burden \_\_\_\_\_, do swear (or affirm) that I am a citizen of the United States, and that the license for carrying on the coasting trade, (or fisheries,) granted to the said vessel by the collector for the district of \_\_\_\_\_, in the State of \_\_\_\_\_, numbered \_\_\_\_\_, and dated \_\_\_\_\_, shall not be used for any other vessel or any other employment than the coasting trade, (or fisheries,) or in any trade or business whereby the revenue of the United States may be defrauded.

Subscribed, &c.

If the vessel be less than twenty tons burden, the husband or managing owner must also make oath or affirmation in the following form:

FORM No. 11.

*Oath or affirmation of husband or managing owner.*

I, \_\_\_\_\_, husband, or managing owner, do swear (or affirm) that the ship (or vessel) \_\_\_\_\_, burden \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, is wholly the property of a citizen or citizens of the United States, (or if such be the fact, of a company duly incorporated under the laws of the State of \_\_\_\_\_, and entitled \_\_\_\_\_.)

Subscribed, &c.

If the master or commander of such vessel under twenty tons burden be also the ship's husband or managing owner, both the foregoing oaths or affirmations may be combined in one.

Rev. Stats. sec. 420; Desty S. & A. § 22.

**Art. 39.** These requirements having been complied with, it will be the duty of the collector of the district comprehending the port to which the vessel belongs, to grant a license in the following form:

## FORM No. 12.

*License for enrolled vessel.*

In pursuance of Title L, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes of the United States, and of Chapter one, Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States, \_\_\_\_\_ have given bond that the \_\_\_\_\_ called \_\_\_\_\_, whereof the said \_\_\_\_\_ is master, burden \_\_\_\_\_ tons \_\_\_\_\_ hundredths, as appears by enrollment issued at this port numbered \_\_\_\_\_, and dated \_\_\_\_\_, shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel or for any other employment than is herein specified, license is hereby granted for the said [name of vessel] to be employed in carrying on the [insert coasting trade or fisheries as the case may be,] for one year from the date hereof, and no longer.

Given under my hand and seal of office at the port of \_\_\_\_\_, in the district of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_.

## FORM No. 13.

*License of a vessel under twenty tons*

DISTRICT OF \_\_\_\_\_,  
Port of \_\_\_\_\_.

In pursuance of Title L, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes of the United States, and of Chapter one, Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States, \_\_\_\_\_ having given bond that the \_\_\_\_\_ called the \_\_\_\_\_, whereof the said \_\_\_\_\_ is master, burden \_\_\_\_\_ tons \_\_\_\_\_ hundredths, and measuring in length \_\_\_\_\_ feet, breadth \_\_\_\_\_ feet, depth \_\_\_\_\_ feet, proof being had of her admeasurement, shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also \_\_\_\_\_ that this license shall not be used for any other vessel or for any other employment than is herein specified, license is herein granted for the said \_\_\_\_\_ to be employed in carrying on the \_\_\_\_\_ for one year from the date hereof, and no longer.

Given under \_\_\_\_\_ hand and seal of office at \_\_\_\_\_, this



— day of —, in the year one thousand eight hundred and —.

The blanks in this document are to be filled as above indicated in case of enrollment, Form No. 8.

Rev. Stats. sec. 4321; Desty S. & A. § 25.

**Art. 40.** The same forms will be observed in order to the enrollment and license of a steamboat owned in whole or in part by a resident alien, employed only in a river or bay of the United States, except that the usual oath as to the citizenship of the owners will be dispensed with, and a bond required, pursuant to the second section of the act, [§ 4319] in the penalty of one thousand (\$1,000) dollars, with sufficient security, conditioned that the said boat shall not be employed in other waters than the rivers and bays of the United States.

The enrollment and license shall contain a reference to the act, [Revised Statutes] and a suitable indication of the restrictions to be observed in the employment of the vessel.

Such steamer being in all other respects subject to the foregoing regulations, and consequently debarred from receiving ordinary papers only on account of the ownership, will, on becoming the property of citizens of the United States, enjoy all the privileges of a vessel of the United States, and receive ordinary papers as such.

Rev. Stats. sec. 4321; Desty S. & A. § 25.

**Art. 41.** Certificates of enrolment and licenses must be signed and sealed by the collector, and if there be a naval officer at the port, must be countersigned under seal by him when they are issued. If there be a surveyor, but no naval officer, at the port, they must be countersigned by the surveyor.

**Art. 42.** The Secretary of the Treasury is empowered to authorize surveyors and deputy collectors of customs at ports of delivery, under such regulations as he shall deem necessary, to enroll and license ships or vessels to be employed in the coasting trade and fisheries in like manner as collectors are authorized to do by law.

Rev. Stats. secs. 4344-4346.

**Art. 43.** Enrolments and licenses are either permanent or temporary—the former being those issued in the district where the vessel belongs, and the latter those granted in other districts. Licenses are in no case valid for a longer period than one year, but enrolments are valid for

any length of time until the happening of a contingency requiring their surrender.

In order that permanent enrolments and licenses may be distinguished from those that are temporary, the word "permanent" or "temporary," as the case may be, will be written, in a strong engrossing hand, on the margin immediately above the number; and the same rule should be observed in respect to the copies and records.

Permanent enrolments and licenses are to be granted for the same causes as permanent registers. Temporary papers are to be granted—

*First.* When a vessel is purchased, in whole or in part, or owned by a citizen or citizens of the United States, the same being within any district other than the one in which he or they usually reside; or when a vessel is purchased, in whole or in part, by the agent or attorney of a citizen or citizens living in a district comprehending the port to which the vessel will, by virtue of such purchase, belong, being more than fifty miles distant from the district where such vessel is at the time of purchase by such agent or attorney.

*Second.* In case a vessel shall arrive within any district other than that to which she belongs, and it shall be proved that her certificate of enrolment or license has been lost or destroyed, or unintentionally and by mere accident mislaid, by an oath or affirmation thereof duly made, the other requirements of the law in that case having been also complied with.

*Third.* In case a registered vessel shall arrive in any other district than that to which she belongs, and the master of the vessel shall surrender her certificate of registry, and make oath or affirmation (Form No. 21) that the property remains as expressed in the surrendered certificate.

In the second and third of these cases, the temporary enrolment and license are to be surrendered to the collector within ten days after her arrival at her home port, where permanent papers may be granted.

Rev. Stats. secs. 4159, 4161, 4167, 4322.

**Art. 44.** Licenses may at any time be renewed or exchanged at the pleasure of the owners and masters of vessels, care being taken that only one license, and for one employment, be granted to a vessel for the same time.

Rev. Stats. sec. 4327.

**Art. 45.** A license is not valid for more than one year from its date, nor—except the vessel be under twenty tons burden—unless it be predicated upon, and corres-

pond with, the enrolment of the vessel, nor unless the vessel is owned in the manner, or is of the description, set forth in the license; nor is any license to be considered in force for carrying on any other business or employment than that for which the vessel is specially licensed.

A license cannot issue to an enrolled vessel except at the port where she is enrolled.

If a licensed vessel shall be transferred, in whole or in part, to a person not at the time a resident citizen of the United States, or if any ship or vessel be found with a forged or altered license, or making use of a license granted for any other vessel, such vessel, with her tackle, apparel, and the cargo on board of her, will be forfeited.

Rev. Stats. secs. 4321, 4324, 4377; Desty S. & A. §§ 20, 25, 28, 29.

**Art. 46.** When the license of a vessel expires while she is without her proper district, without change of ownership, or loss of enrolment or license, the enrolment and license must be surrendered to the collector of the district in which the vessel may be, and a certificate of temporary registry taken instead.

Such certificate must be surrendered to the collector of her home district, within ten days after arrival within the same, who will notify the collector who issued it of such surrender.

Owners of vessels enrolled and licensed may return the license to the collector at any time within the year for which it was granted, and take out a new license instead.

Whenever it is proposed to proceed on a voyage of considerable length and the license is about to expire, the necessity of a temporary registry may be avoided by thus taking out a new license at the home port.

To enable masters to change the employment of their vessels from the coasting to the foreign and from the foreign to the coasting trade, one temporary document may be surrendered for another temporary document, either at the port where such document was issued or at any other port not the home port. Notice of such exchange is required to be given to the collector of the port at which the surrendered document was issued.

Rev. Stats. secs. 4324, 4325, 4327.

**Art. 47.** In case of vessels on the western rivers and northern frontiers, a mode of procedure is prescribed whereby the license can be renewed in their absence from their home ports. (Article 56.)

Rev. Stats. sec. 4328.

**Art. 48.** The collector of each district must number, progressively, in distinct series, both the enrolments and licenses issued by him, beginning anew at the commencement of each fiscal year, and make a record thereof in a book to be by him kept for that purpose, which shall be open to public inspection during office hours; and shall once in three months transmit to the Register of the Treasury abstracts of the licenses which shall have been so granted by him, and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of law.

Copies of enrolments issued must be transmitted to the Register, as in case of certificates of registry, and also the originals when surrendered.

Rev. Stats. sec. 4333.

**Art. 49.** The provisions of the coasting act do not extend to any boat or lighter, not being masted, or, if masted, not decked, employed in the harbor of any town or city; nor to any boat or vessel of less than five tons burden.

All other vessels engaged in trading between port and port in the United States, unless, upon waters wholly within the limits of a State having no navigable outlet into a river or lake on which commerce with foreign nations, or among the States, or with the Indian tribes, can be carried on, must, if not registered, be duly enrolled and licensed, or licensed, as herein required, if not specially exempted by law, or be subject to forfeiture.

Rev. Stats. secs. 4371, 4372, 4385; Desty S. & A. § 28.

**Art. 50.** It is lawful, at all times, for any officer concerned in the collection of the revenue to inspect the enrolment or license of any vessel; and if the master of any such ship or vessel shall not exhibit the same when thereunto required by such officer, he is subject to a fine of one hundred (\$100) dollars.

Rev. Stats. sec. 4336; Desty S. & A. § 5.

*Enrolment and license of vessels for trade on the northern, northeastern, and northwestern frontiers of the United States.*

**Art. 51.** Vessels of the United States navigating the waters on the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea, must receive enrolment and license, under which they

may be employed either in the coasting or foreign trade on those frontiers.

Rev. Stats. sec. 4318; Desty S. & A. § 22.

**Art. 52.** The same proceedings, requirements, and forms are to be pursued and complied with as in the case of the enrolment and licensing of vessels under the general law regulating the issue of that description of marine papers, except that the enrolment and license shall be in the following forms:

FORM No. 14.

*Enrolment of a vessel on the northern, northeastern, and northwestern frontiers.*

In conformity to Title L, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes of the United States, \_\_\_\_\_ having taken or subscribed the \_\_\_\_\_ required by the said acts, and having \_\_\_\_\_ that \_\_\_\_\_, citizen of the United States, \_\_\_\_\_ sole owner of the \_\_\_\_\_ or vessel called the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, and, as he hath \_\_\_\_\_, is a citizen of the United States, and that the said \_\_\_\_\_ or vessel was built at \_\_\_\_\_, in the year 18—, as appears by \_\_\_\_\_.

And \_\_\_\_\_ having certified that the said \_\_\_\_\_ or vessel has \_\_\_\_\_ and \_\_\_\_\_, and that her length is \_\_\_\_\_ feet, her breadth \_\_\_\_\_ feet, her depth \_\_\_\_\_ feet, her height \_\_\_\_\_ feet, and that he measures \_\_\_\_\_ tons and \_\_\_\_\_ hundredths, viz.

	Tons.	Hundredths.
Capacity under tonnage deck.....		
Capacity between decks above tonnage deck.		
Capacity of enclosures on upper deck, viz:		
<b>Total tonnage.....</b>		

That she is \_\_\_\_\_, has \_\_\_\_\_ and \_\_\_\_\_ head.

And the said \_\_\_\_\_ having agreed to the description and admeasurement above specified, and sufficient security having been given in conformity with the terms

collector of such district; or if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in, the said ———, the same being within a district of the United States, if the said certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; or if such purchase, change, or transfer of property shall happen when the said ——— shall be at sea, if the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; or if the said ——— shall not proceed on a voyage to any foreign port or place without being duly licensed according to law for carrying on the cod, whale, or mackerel fishery, and without obtaining a permit to touch and trade at a foreign port or place during such voyage, or without previously surrendering said certificate of enrolment to the collector of the district from which such foreign voyage shall be proposed to be made, then the said obligation shall be void and of no effect; but otherwise shall remain in full force and virtue.

Signed, sealed, and delivered in presence of—  
\_\_\_\_\_

Rev. Stats. sec. 4317.

**Art. 36.** A record of the enrolment must be made by the collector, and an abstract or copy thereof, granted as nearly as may be, in the terms following:

FORM No. 8.

*Certificate of enrolment.*

Enrolment in conformity to Title L, "Regulation of Vessels in Domestic Commerce" of the Revised Statutes of the United States, and of Chapter one, Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States.

[Inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,] having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she) [and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of

abode, of the owner or owners,] is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) [if more than one, stating the proportions or parts of the ship or vessel owned by each owner] of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, and, as he hath sworn, (or affirmed,) a citizen of the United States, and that the said ship or vessel was [inserting here when and where built, or the means whereby she becomes entitled to enrolment,] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed or admeasured, or, if she has been previously documented, referring to such document] having certified that the said ship or vessel has \_\_\_\_\_ decks and \_\_\_\_\_ masts, and that her length is \_\_\_\_\_ feet, her breadth \_\_\_\_\_, her depth \_\_\_\_\_, her height \_\_\_\_\_, and that she measures \_\_\_\_\_ tons and \_\_\_\_\_ hundredths, viz:

	Tons.	Hundredths.
Capacity under tonnage deck.....		
Capacity between decks above tonnage deck.		
Enclosures on the upper deck, viz:		
<b>Total tonnage.....</b>		

That she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head,] and the said [naming the owner, or master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned,] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said acts, the said ship or vessel has been duly enrolled at the port of \_\_\_\_\_.

Given under my hand and seal at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, [specifying the number of the year in words at length.]

Rev. Stats. sec. 4312; Desty S. & A. § 22.

**Art. 37.** Vessels duly enrolled, and vessels of less than twenty tons burden not enrolled, but proved in the mode prescribed to have the qualifications as to build and own-

collector of such district; or if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in, the said ———, the same being within a district of the United States, if the said certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; or if such purchase, change, or transfer of property shall happen when the said ——— shall be at sea, if the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; or if the said ——— shall not proceed on a voyage to any foreign port or place without being duly licensed according to law for carrying on the cod, whale, or mackerel fishery, and without obtaining a permit to touch and trade at a foreign port or place during such voyage, or without previously surrendering said certificate of enrolment to the collector of the district from which such foreign voyage shall be proposed to be made, then the said obligation shall be void and of no effect; but otherwise shall remain in full force and virtue.

Signed, sealed, and delivered in presence of—  
\_\_\_\_\_

Rev. Stats. sec. 4317.

**Art. 36.** A record of the enrolment must be made by the collector, and an abstract or copy thereof, granted as nearly as may be, in the terms following:

FORM No. 8.

*Certificate of enrolment.*

Enrolment in conformity to Title L, "Regulation of Vessels in Domestic Commerce" of the Revised Statutes of the United States, and of Chapter one, Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States.

[Inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,] having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she) [and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of



abode, of the owner or owners,] is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) [if more than one, stating the proportions or parts of the ship or vessel owned by each owner] of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, and, as he hath sworn, (or affirmed,) a citizen of the United States, and that the said ship or vessel was [inserting here when and where built, or the means whereby she becomes entitled to enrolment,] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed or admeasured, or, if she has been previously documented, referring to such document] having certified that the said ship or vessel has \_\_\_\_\_ decks and \_\_\_\_\_ masts, and that her length is \_\_\_\_\_ feet, her breadth \_\_\_\_\_, her depth \_\_\_\_\_, her height \_\_\_\_\_, and that she measures \_\_\_\_\_ tons and \_\_\_\_\_ hundredths, viz:

	Tons.	Hundredths.
Capacity under tonnage deck.....		
Capacity between decks above tonnage deck.		
Enclosures on the upper deck, viz:		
<b>Total tonnage.....</b>		

That she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head,] and the said [naming the owner, or master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned,] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said acts, the said ship or vessel has been duly enrolled at the port of \_\_\_\_\_.

Given under my hand and seal at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, [specifying the number of the year in words at length.]

Rev. Stats. sec. 4312; Desty S. & A. § 22.

**Art. 37.** Vessels duly enrolled, and vessels of less than twenty tons burden not enrolled, but proved in the mode prescribed to have the qualifications as to build and own-

collector of such district; or if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in, the said \_\_\_\_\_, the same being within a district of the United States, if the said certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; or if such purchase, change, or transfer of property shall happen when the said \_\_\_\_\_ shall be at sea, if the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; or if the said \_\_\_\_\_ shall not proceed on a voyage to any foreign port or place without being duly licensed according to law for carrying on the cod, whale, or mackerel fishery, and without obtaining a permit to touch and trade at a foreign port or place during such voyage, or without previously surrendering said certificate of enrolment to the collector of the district from which such foreign voyage shall be proposed to be made, then the said obligation shall be void and of no effect; but otherwise shall remain in full force and virtue.

Signed, sealed, and delivered in presence of—  
\_\_\_\_\_

Rev. Stats. sec. 4317.

**Art. 36.** A record of the enrolment must be made by the collector, and an abstract or copy thereof, granted as nearly as may be, in the terms following:

FORM No. 8.

*Certificate of enrolment.*

Enrolment in conformity to Title L, "Regulation of Vessels in Domestic Commerce" of the Revised Statutes of the United States, and of Chapter one, Title XLVIII, "Registry and Recording," of the Revised Statutes of the United States.

[Inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,] having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she) [and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of

abode, of the owner or owners,] is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) [if more than one, stating the proportions or parts of the ship or vessel owned by each owner] of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, and, as he hath sworn, (or affirmed,) a citizen of the United States, and that the said ship or vessel was [inserting here when and where built, or the means whereby she becomes entitled to enrolment,] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed or admeasured, or, if she has been previously documented, referring to such document] having certified that the said ship or vessel has \_\_\_\_\_ decks and \_\_\_\_\_ masts, and that her length is \_\_\_\_\_ feet, her breadth \_\_\_\_\_, her depth \_\_\_\_\_, her height \_\_\_\_\_, and that she measures \_\_\_\_\_ tons and \_\_\_\_\_ hundredths, viz:

	Tons.	Hundredths.
Capacity under tonnage deck.....		
Capacity between decks above tonnage deck.		
Enclosures on the upper deck, viz:		
<b>Total tonnage.....</b>		

That she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head,] and the said [naming the owner, or master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned,] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said acts, the said ship or vessel has been duly enrolled at the port of \_\_\_\_\_.

Given under my hand and seal at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, [specifying the number of the year in words at length.]

Rev. Stats. sec. 4312; Desty S. & A. § 22.

**Art. 37.** Vessels duly enrolled, and vessels of less than twenty tons burden not enrolled, but proved in the mode prescribed to have the qualifications as to build and own-

ership required in the case of registered and enrolled vessels, in order to become entitled to the privileges of vessels of the United States qualified to carry on the coasting trade or fisheries, must be licensed therefor in due form.

Before the issuing of such license, the husband or managing owner, together with the master thereof, with one or more sureties, to the satisfaction of the collector granting the same, must become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty, the sum of one hundred (\$100) dollars; and if of twenty tons and not exceeding thirty, the sum of two hundred (\$200) dollars; and if above thirty tons and not exceeding sixty, the sum of five hundred (\$500) dollars; and if above sixty tons, the sum of one thousand (\$1,000) dollars, in the form and conditions following, to wit:

## FORM No. 9.

*Bond for license for coasting trade or fisheries.*

Know all men by these presents, that we, \_\_\_\_\_, husband or managing owner, and \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, and \_\_\_\_\_, all of \_\_\_\_\_, in \_\_\_\_\_, are held and firmly bound to the United States of America in the just and full sum of \_\_\_\_\_; for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated \_\_\_\_\_.

The condition of the foregoing obligation is such, that whereas \_\_\_\_\_, collector for the district of \_\_\_\_\_, has, in the manner prescribed by Title L, "Regulation of Vessels in Domestic Commerce," of the Revised Statutes of the United States, issued and granted for the \_\_\_\_\_, called the \_\_\_\_\_, of \_\_\_\_\_, burden \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, a license for carrying on the \_\_\_\_\_ for one year from \_\_\_\_\_, which license is dated \_\_\_\_\_ and numbered \_\_\_\_\_: Now, therefore, if it shall appear within two years from the date hereof that the said \_\_\_\_\_ has, during the time for which the said license is granted or shall remain in force, been employed in any trade whereby the revenue of the United States shall have been defrauded, then the said obligation shall be good, and remain in full force; but otherwise it shall be void and of no effect.

Signed, sealed, and delivered in the presence of—  
\_\_\_\_\_.

**Art. 38.** The master of a vessel, on the issue of the license, must make oath or affirmation in the following form:

FORM No. 10.

*Oath or affirmation of master of licensed vessel.*

I, \_\_\_\_\_, master (or commander) of the vessel called the \_\_\_\_\_, of \_\_\_\_\_, burden \_\_\_\_\_, do swear (or affirm) that I am a citizen of the United States, and that the license for carrying on the coasting trade, (or fisheries,) granted to the said vessel by the collector for the district of \_\_\_\_\_, in the State of \_\_\_\_\_, numbered \_\_\_\_\_, and dated \_\_\_\_\_, shall not be used for any other vessel or any other employment than the coasting trade, (or fisheries,) or in any trade or business whereby the revenue of the United States may be defrauded.

Subscribed, &c.

If the vessel be less than twenty tons burden, the husband or managing owner must also make oath or affirmation in the following form:

FORM No. 11.

*Oath or affirmation of husband or managing owner.*

I, \_\_\_\_\_, husband, or managing owner, do swear (or affirm) that the ship (or vessel) \_\_\_\_\_, burden \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, is wholly the property of a citizen or citizens of the United States, (or if such be the fact, of a company duly incorporated under the laws of the State of \_\_\_\_\_, and entitled \_\_\_\_\_.)

Subscribed, &c.

If the master or commander of such vessel under twenty tons burden be also the ship's husband or managing owner, both the foregoing oaths or affirmations may be combined in one.

Rev. Stats. sec. 4320; Desty S. & A. § 22.

**Art. 39.** These requirements having been complied with, it will be the duty of the collector of the district comprehending the port to which the vessel belongs, to grant a license in the following form:

FORM No. 31.

[Here insert whether steamers or sailing vessels.]

Abstract of permanent registers issued and surrendered in the district of \_\_\_\_\_, from the first day of \_\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 18--.

REGISTERS GRANTED.

Date of register.	Number of register.	Official No.		Species of vessel.	Name of vessel.	Managing owner.	Master.	For what cause granted.	Description of former document.				Tonnage.	
		Numeral.	Letters.						Species of document.	No. of documents.	Date of document.	Where granted.	Tons.	Net tons.
July 1, '68	8	perman-	ent regis-	tered	tonna-	ge at							4,845	00
July 2, '68	1	1,034	HCKK	Sloop.	Bill			the end of last	quant	er, (-	-vessels)		175	81
July 4, '68	2	4,616	HDLM	Ship	Pet			New vessel.	Rec	1	Sept. 1, '61		202	03
July 7, '68	3	4,796	H D S P	Sch	Sann			Record sur.	Ear	17	Apr. 3, '66		143	03
July 9, '68	4	5,112	H F B C	Bark	Sally			Enrolment sur.	Reg	45	May 2, '66		781	75
July 13, '68	5	10,646	HUFRC	Sch	Witch			New owners.	Reg	49	Feb. 7, '65		875	00
July 15, '68	6	16,520	HNWS	Brig	Jane			Prop'y and dist. ch'd.	Enr	13	Jan. 3, '64		430	00
July 21, '68	7	4,764	H D M S	Ship	Susan			Former reg. lost.	Reg	25	Aug. 7, '65		1,000	00
July 29, '68	8	6,272	H F J T	Sch	Julia			Vessel altered.	Reg	71	Oct. 3, '66		250	00
								Temp'y register sur.	T. reg.					
													9,008	24

sel to the collector who granted it, the collector shall thereupon cancel the bond given at the time of the granting of such document.

If the document be delivered, in pursuance of law, to the collector of any other district, such collector shall give the master, commander, or owner so delivering up the certificate, a receipt or acknowledgment thereof, substantially in the form following:

FORM No. 20.

*Certificate of surrender of document.*

DISTRICT OF \_\_\_\_\_, Port of \_\_\_\_\_.

I hereby certify that \_\_\_\_\_, master (or owner) of the \_\_\_\_\_, of \_\_\_\_\_, owned by \_\_\_\_\_, has surrendered to me a certificate of registry (or enrolment) granted to the said [name the vessel] by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, dated \_\_\_\_\_, and (if such be the case) a license to the said [name the vessel] for carrying on the [name trade or employment,] granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, and dated \_\_\_\_\_.

(Or, in case of a licensed vessel below twenty tons burden,) has surrendered to me a license to the said \_\_\_\_\_ for carrying on the \_\_\_\_\_, granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_ and dated \_\_\_\_\_.

As witness my hand and seal the day and year above-mentioned.

On the production of such receipt or acknowledgment to the collector who granted the document, he will cancel the bond as though the document had been produced to him.

Rev. Stats. sec. 4175.

**Art. 73.** Certificates of registry and enrolments surrendered to collectors in pursuance of law will be transmitted by mail for cancellation directly to the Register of the Treasury, and if the document be delivered to the collector of a district other than that in which it was granted, the Register will cause due notice to be given to the collector by whom it was issued.

In the cases stated in Articles 31 and 32, the surrendered documents will be transmitted to the collectors who granted the same, and after the proper entries have been

made in their books, they will forward them to the Register of the Treasury. Officers to whom such documents are transmitted will promptly acknowledge their receipt.

Rev. Stats. secs. 4174, 4324; Desty S. & A. § 17.

*The exchange and renewal of marine documents and conveyancing of vessels.*

**Art. 74.** When a vessel, once registered, enrolled, or licensed in pursuance of law, shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, such vessel must be documented anew by her former name, otherwise she will cease to be a vessel of the United States. In every such sale or transfer there must be some instrument of writing, in the nature of a bill of sale, which shall recite at length her former document, and also set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

A proper bill of sale being produced to the collector, the former document surrendered, and the requirements of the regulations governing the issue of marine documents having been complied with, excepting the production of carpenter's certificate, and, unless she has been altered in burden, excepting also the certificate of admeasurement, a new document may issue in the ordinary form. The new document must, in all cases, cite the former document by number, date, and port of issue, and quote from it the description and tonnage of the vessel.

At the time application is made for the new document, the former document of the vessel must be surrendered to the collector to whom the application for such new document is made. If on the sale or transfer such a former certificate of registry be not delivered up as aforesaid, unless on oath or affirmation of its loss, destruction, or mislaying, as hereinafter prescribed, her owner or owners shall forfeit five hundred (\$500) dollars, to be recovered with costs of suit.

Rev. Stats. secs. 4159, 4162, 4163.

**Art. 75.** A vessel registered in pursuance of law, which shall be sold or transferred, in whole or in part, to a citizen or citizens of the United States, while such ship or vessel is without the limits of the United States, shall, on her first arrival in the United States thereafter, be entitled to all the privileges and benefits of a vessel of the United



States, if a new document be obtained, on due compliance with the law regulating the issue thereof, within three days after the time—forty-eight hours after arrival—when the master or commander is required to make a final report after his arrival in a port of the United States.

Upon the sale or transfer of a United States vessel in a foreign port, it is the duty of the consul to collect, from the master or agent, the hospital tax accrued and unpaid at the time of the sale, and to retain the papers of the vessel until payment is made. If such tax be not paid, the sale or transfer is void, except as against the vendor.

Rev. Stats. sec. 4166; Desty S. & A. § 16.

**Art. 76.** A bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel of the United States, is not valid against any person other than the grantors, unless recorded in the office of the collector of customs, where the vessel is registered or enrolled.

Collectors are required to record all such bills of sale, and the other papers above specified, and all certificates for discharging any such conveyances.

Collectors will also keep an index of such records alphabetically arranged, and, when required, furnish a certificate setting forth the material facts of any existing bill of sale, or other such paper.

All such records will be open to public inspection during office hours.

A bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, cannot be recorded unless duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds.

Rev. Stats. secs. 4192, 4193; Desty S. & A. § 92.

**Art. 77.** When a vessel registered, enrolled, or licensed in pursuance of law is altered in form or burden, by being lengthened or built upon, or from one denomination to another by the mode or method of rigging or fitting, such vessel must be documented anew by her former name, otherwise she will cease to be deemed a vessel of the United States.

In order to the new registry of a documented vessel so altered in form, burden, or denomination, her ownership remaining the same, all the usual requirements must be met except the production of the master carpenter's certificate.

The new document will be issued as in case of a transfer of property, indicating, however, the change of burden

FORM No. 32.

[Here insert whether steamers or sailing vessels.]

Abstract of temporary registers issued and surrendered in the district of \_\_\_\_\_, from the first day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 18--.

REGISTERS GRANTED.

Date of register.	Number of register.	Official No.		Species of vessel.	Name of vessel.	Managing owner.	Master.	For what cause granted.	Description of former document.			Ton-nage.		
		Number.	Letters.						Species of document.	Number of document.	Date of document.	Where granted.	To what port belonging.	Tons.
Amount of	te													
Aug. 7, 1888.	9	12,291	HVMF	tered	tonna	ge	at	the end of the last	quar	(	vess	els.)	100 00	
Aug. 15, 1888.	10	5,251	H TLW	Ship.	Pet.	....	....	Sold out of district.	ter.	—	.....	.....	1,461 81	
Aug. 19, 1888.	11	5,136	H TKN	Bark	Puck..	....	....	Enr. sur. Bound for	ter.	17	.....	.....	875 45	
Aug. 25, 1888.	12	22,780	H R D W	Sch..	Maris	....	....	enr.	ter.	41	.....	.....	315 84	
				Sch..	Sambo	....	....	Register lost.....	ter.	5	.....	.....	182 33	
								Register lost.....	ter.	85	.....	.....		2,948 43

PORT OF \_\_\_\_\_,  
 \_\_\_\_\_ day of \_\_\_\_\_, 18—.

Sworn to and subscribed before me.  
 \_\_\_\_\_, Collector.

The certificate of temporary registry issued instead of the surrendered enrolment must, within ten days after the arrival of the vessel within the district to which she belongs, be delivered to the collector of the district, and by him cancelled; and if the master or commander of the vessel shall neglect to deliver the certificate within ten days, he shall forfeit one hundred (\$100) dollars.

Rev. Stats. sec. 4323; Desty S. & A. § 17.

**Art. 79.** Collectors of the several districts are authorized to enroll and license any vessel that may have been registered, upon the surrender to them of the certificate of registry, and on due compliance with the provisions of law regulating the issue of certificates of enrolments and licenses.

When the vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master or commander of such vessel, and upon his making oath or affirmation that, according to his best knowledge and belief, the property remains as expressed in the certificate of registry proposed to be given up, (Form No. 21,) and upon his giving the bonds required for granting enrolment and license, shall make the exchange. In every such case, the collector to whom the certificate is thus surrendered must transmit the same to the Register of the Treasury, and the enrolment and license granted in lieu thereof must, within ten days after the arrival of the vessel within the district to which she belongs, be delivered to the collector thereof, to be by him cancelled; and if the master or commander neglects to deliver said enrolment and license, he will be subjected to a fine of one hundred (\$100) dollars.

Coasting papers must not be granted to any vessel having on board merchandise brought from a foreign port, until it be wholly unladen, and the duties paid or secured.

Rev. Stats. secs. 4322, 4323; Desty S. & A. § 20.

**Art. 80.** On proof, satisfactory to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that her marine documents are retained by the former owners, the Secretary of the Treasury may direct the collector of the district to which the vessel belongs to grant new documents, on the owners

under such sale complying with the terms and conditions required by law for granting such documents, excepting only the surrender of the previous ones.

It is to be understood, however, that the issue of the new document, notwithstanding the non-delivery of the former, does not remove the liability of the person or persons to the penalty for not surrendering the former one, which it is the duty of the collector to take the proper legal steps promptly to enforce.

Rev. Stats. secs. 4164, 4229; Desty S. & A. § 16.

**Art. 81.** If the certificate of registry, enrolment, or license of any vessel shall be lost, destroyed, or mislaid, the master or other person having charge or command thereof may make and subscribe an oath or affirmation before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the following form:

FORM NO. 22.

*Oath of master to loss of document.*

I, \_\_\_\_\_, master (or having charge or command) of the vessel called the \_\_\_\_\_, do swear (or affirm) that the said vessel has been, as I verily believe, registered according to law, by the name of \_\_\_\_\_, and that a [here insert certificate of registry, or enrolment and license, or license, as the case may be] was granted by the collector of the district of \_\_\_\_\_, which \_\_\_\_\_ has been lost, (or destroyed, or unintentionally and by mere accident mislaid, as the case may be,) and [except where the document is alleged to have been destroyed] that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted.

\_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_,   
 \_\_\_\_\_, Collector.

The oath or affirmation having thus been taken and subscribed, and all the usual requirements complied with, except the production of the carpenter's certificate, the collector of the port where the vessel may be shall register the vessel and issue the proper document in the usual form, inserting therein that the same is issued in place of one lost, destroyed, or mislaid, as the case may be.

If a document be thus granted by a collector other than the collector of the district where the vessel belongs, such document shall be temporary, and shall, within ten days after the first arrival of the vessel within the district to which she belongs, be delivered to the collector of said district, who shall thereupon grant a new document in lieu thereof. The master or commander neglecting to surrender the certificate or temporary registry issued, within ten days, shall forfeit one hundred (\$100) dollars, and such certificate of registry shall become null and void.

Rev. Stats. sec. 4167.

**Art. 82.** It has become necessary for the Secretary of the Treasury, on application for a new document in lieu of one alleged to have been lost, destroyed, or unintentionally mislaid, to define the term "lost," and to prescribe in what cases a document should be held to be "lost," within the meaning of the law.

Among others is that in which it is lost to the owner's use and control, by reason of its being wrongfully and illegally detained and withheld from his possession, and especially when the owner can avail himself of no legal process to recover the possession of the paper so withheld.

In such cases, new papers may be issued, in lieu of those thus withheld, as in the case contemplated by Article 80; but when application is made for a new document in lieu of one thus in existence, and detained from of the owner, such application must first be transmitted to the Secretary of the Treasury, and authority obtained before a new certificate can be issued.

Rev. Stats. sec. 4168.

**Art. 83.** In cases where a new document is issued in consequence of an oath or affirmation that the former document has been lost, destroyed, or mislaid, the substance of the oath or affirmation will be endorsed on the bond for the first document, which is to remain with the collector uncanceled.

Whenever a temporary document is granted on proof of loss, destruction, or mislaying of a document issued from another office, the information of said loss, destruction, or mislaying, and of the granting of the new document in lieu thereof, must be transmitted to the office from which the document lost, destroyed, or mislaid, was issued, in the following form:



## FORM NO. 24.

*Oath or affirmation of new master of vessel.*

I, \_\_\_\_\_, master (or commander) of the vessel called the \_\_\_\_\_, of \_\_\_\_\_, burden \_\_\_\_\_, do swear (or affirm) that I am a citizen of the United States, having been born within the limits thereof, (or, if naturalized, having been naturalized in the State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, by \_\_\_\_\_, stating the act or order of naturalization, and by what court, or how: ) So help me God.

PORT OF \_\_\_\_\_.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.  
 \_\_\_\_\_, Collector.

The collector must then endorse upon the certificate of registry a memorandum of such change, specifying the name of the new master, and subscribe the same with his name.

If the change of master be reported to the collector of a district other than that in which the certificate of registry was granted, the collector making the memorandum must transmit a copy thereof to the collector by whom the certificate of registry was granted, with notice of the particular vessel to which it refers; and the collector by whom the certificate was granted shall make a like memorandum of the change in his book of registers, and transmit a copy thereof to the Register of the Treasury.

If the change of master be not reported, or if the oath or affirmation aforesaid be not taken, the certificate of registry is void, and the master or person in command or charge of the vessel is subjected to a fine of one hundred (\$100) dollars.

Any person or persons or body corporate having more than one-half ownership of any vessel may appoint or remove a captain whether he is or is not part owner of such vessel; but where there is a valid agreement subsisting, by virtue of which such captain would be entitled to possession, or where the captain has possession as part owner, prior to April 9, 1872, he cannot be legally disposed except by process of law.

Rev. Stats. secs. 4171, 4250; Desty S. & A. § 34.

**Art. 86.** On the change of the master or person having the charge or command of any vessel enrolled and licensed, or licensed, except ferry-boats, the new master of such vessel, or, in his absence, the owner or one of the

however, does not attach to any share of such vessel owned by a citizen of the United States who is found by the jury before whom the trial is had to have been wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen.

Rev. Stats. sec. 4146; Desty S. & A. § 14.

**Art. 70.** Enrolments and licenses, both permanent and temporary, are to be surrendered in like cases with certificates of registry; the license is always to be surrendered with the enrolment.

Rev. Stats. sec. 4325; Desty S. & A. § 27.

**Art. 71.** Forfeiture of vessel and cargo is imposed by law in case a vessel enrolled or licensed for the coasting trade by sea proceeds on a foreign voyage without first surrendering her enrolment and license, and taking out a register.

The license must be surrendered to the collector of the district who may have granted the same within three days after its expiration in case the vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district to the collector of such district.

If the master neglect or refuse to surrender the license as above required, he shall forfeit fifty (\$50) dollars.

But if the license be lost or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of the vessel shall make and subscribe an oath or affirmation that such is the case, and that the same, if found, shall be delivered up, then the above penalty shall not be incurred.

If such loss, destruction, or mislaying of the license occurred before its expiration, upon the oath or affirmation of the master that the license is lost, destroyed, or unintentionally mislaid, the collector is authorized and required to grant a new license to the vessel.

When a license is surrendered by reason of expiration, and a new license taken out, the enrolment is not to be also surrendered, unless there exist some of the conditions indicated in Article 66.

Rev. Stats. secs. 4325, 4326, 4337; Desty S. & A. § 27.

**Art. 72.** In cases where the master, commander, or owner of a vessel shall, in pursuance of law, deliver the certificate of registry, enrolment, or license of such ves-



seal to the collector who granted it, the collector shall thereupon cancel the bond given at the time of the granting of such document.

If the document be delivered, in pursuance of law, to the collector of any other district, such collector shall give the master, commander, or owner so delivering up the certificate, a receipt or acknowledgment thereof, substantially in the form following:

FORM No. 20.

*Certificate of surrender of document.*

DISTRICT OF \_\_\_\_\_, Port of \_\_\_\_\_.

I hereby certify that \_\_\_\_\_, master (or owner) of the \_\_\_\_\_, of \_\_\_\_\_, owned by \_\_\_\_\_, has surrendered to me a certificate of registry (or enrolment) granted to the said [name the vessel] by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, dated \_\_\_\_\_, and (if such be the case) a license to the said [name the vessel] for carrying on the [name trade or employment,] granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, and dated \_\_\_\_\_.

(Or, in case of a licensed vessel below twenty tons burden,) has surrendered to me a license to the said \_\_\_\_\_ for carrying on the \_\_\_\_\_, granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_ and dated \_\_\_\_\_.

As witness my hand and seal the day and year above-mentioned. \_\_\_\_\_

On the production of such receipt or acknowledgment to the collector who granted the document, he will cancel the bond as though the document had been produced to him.

Rev. Stats. sec. 4175.

**Art. 73.** Certificates of registry and enrolments surrendered to collectors in pursuance of law will be transmitted by mail for cancellation directly to the Register of the Treasury, and if the document be delivered to the collector of a district other than that in which it was granted, the Register will cause due notice to be given to the collector by whom it was issued.

In the cases stated in Articles 31 and 32, the surrendered documents will be transmitted to the collectors who granted the same, and after the proper entries have been

however, does not attach to any share of such vessel owned by a citizen of the United States who is found by the jury before whom the trial is had to have been wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen.

Rev. Stats. sec. 4146; Desty S. & A. § 14.

**Art. 70.** Enrolments and licenses, both permanent and temporary, are to be surrendered in like cases with certificates of registry; the license is always to be surrendered with the enrolment.

Rev. Stats. sec. 4325; Desty S. & A. § 27.

**Art. 71.** Forfeiture of vessel and cargo is imposed by law in case a vessel enrolled or licensed for the coasting trade by sea proceeds on a foreign voyage without first surrendering her enrolment and license, and taking out a register.

The license must be surrendered to the collector of the district who may have granted the same within three days after its expiration in case the vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district to the collector of such district.

If the master neglect or refuse to surrender the license as above required, he shall forfeit fifty (\$50) dollars.

But if the license be lost or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of the vessel shall make and subscribe an oath or affirmation that such is the case, and that the same, if found, shall be delivered up, then the above penalty shall not be incurred.

If such loss, destruction, or mislaying of the license occurred before its expiration, upon the oath or affirmation of the master that the license is lost, destroyed, or unintentionally mislaid, the collector is authorized and required to grant a new license to the vessel.

When a license is surrendered by reason of expiration, and a new license taken out, the enrolment is not to be also surrendered, unless there exist some of the conditions indicated in Article 66.

Rev. Stats. secs. 4325, 4326, 4337; Desty S. & A. § 27.

**Art. 72.** In cases where the master, commander, or owner of a vessel shall, in pursuance of law, deliver the certificate of registry, enrolment, or license of such ves-

sel to the collector who granted it, the collector shall thereupon cancel the bond given at the time of the granting of such document.

If the document be delivered, in pursuance of law, to the collector of any other district, such collector shall give the master, commander, or owner so delivering up the certificate, a receipt or acknowledgment thereof, substantially in the form following:

FORM No. 20.

*Certificate of surrender of document.*

DISTRICT OF \_\_\_\_\_, Port of \_\_\_\_\_.

I hereby certify that \_\_\_\_\_, master (or owner) of the \_\_\_\_\_, of \_\_\_\_\_, owned by \_\_\_\_\_, has surrendered to me a certificate of registry (or enrolment) granted to the said [name the vessel] by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, dated \_\_\_\_\_, and (if such be the case) a license to the said [name the vessel] for carrying on the [name trade or employment,] granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, and dated \_\_\_\_\_.

(Or, in case of a licensed vessel below twenty tons burden,) has surrendered to me a license to the said \_\_\_\_\_ for carrying on the \_\_\_\_\_, granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_ and dated \_\_\_\_\_.

As witness my hand and seal the day and year above-mentioned. \_\_\_\_\_

On the production of such receipt or acknowledgment to the collector who granted the document, he will cancel the bond as though the document had been produced to him.

Rev. Stats. sec. 4175.

**Art. 73.** Certificates of registry and enrolments surrendered to collectors in pursuance of law will be transmitted by mail for cancellation directly to the Register of the Treasury, and if the document be delivered to the collector of a district other than that in which it was granted, the Register will cause due notice to be given to the collector by whom it was issued.

In the cases stated in Articles 31 and 32, the surrendered documents will be transmitted to the collectors who granted the same, and after the proper entries have been

however, does not attach to any share of such vessel owned by a citizen of the United States who is found by the jury before whom the trial is had to have been wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen.

Rev. Stats. sec. 4146; Desty S. & A. § 14.

**Art. 70.** Enrolments and licenses, both permanent and temporary, are to be surrendered in like cases with certificates of registry; the license is always to be surrendered with the enrolment.

Rev. Stats. sec. 4325; Desty S. & A. § 27.

**Art. 71.** Forfeiture of vessel and cargo is imposed by law in case a vessel enrolled or licensed for the coasting trade by sea proceeds on a foreign voyage without first surrendering her enrolment and license, and taking out a register.

The license must be surrendered to the collector of the district who may have granted the same within three days after its expiration in case the vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district to the collector of such district.

If the master neglect or refuse to surrender the license as above required, he shall forfeit fifty (\$50) dollars.

But if the license be lost or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of the vessel shall make and subscribe an oath or affirmation that such is the case, and that the same, if found, shall be delivered up, then the above penalty shall not be incurred.

If such loss, destruction, or mislaying of the license occurred before its expiration, upon the oath or affirmation of the master that the license is lost, destroyed, or unintentionally mislaid, the collector is authorized and required to grant a new license to the vessel.

When a license is surrendered by reason of expiration, and a new license taken out, the enrolment is not to be also surrendered, unless there exist some of the conditions indicated in Article 66.

Rev. Stats. secs. 4325, 4326, 4337; Desty S. & A. § 27.

**Art. 72.** In cases where the master, commander, or owner of a vessel shall, in pursuance of law, deliver the certificate of registry, enrolment, or license of such ves-

del to the collector who granted it, the collector shall thereupon cancel the bond given at the time of the granting of such document.

If the document be delivered, in pursuance of law, to the collector of any other district, such collector shall give the master, commander, or owner so delivering up the certificate, a receipt or acknowledgment thereof, substantially in the form following:

FORM No. 20.

*Certificate of surrender of document.*

DISTRICT OF \_\_\_\_\_, Port of \_\_\_\_\_.

I hereby certify that \_\_\_\_\_, master (or owner) of the \_\_\_\_\_, of \_\_\_\_\_, owned by \_\_\_\_\_, has surrendered to me a certificate of registry (or enrolment) granted to the said [name the vessel] by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, dated \_\_\_\_\_, and (if such be the case) a license to the said [name the vessel] for carrying on the [name trade or employment,] granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_, and dated \_\_\_\_\_.

(Or, in case of a licensed vessel below twenty tons burden,) has surrendered to me a license to the said \_\_\_\_\_ for carrying on the \_\_\_\_\_, granted to the said \_\_\_\_\_ by \_\_\_\_\_, collector of the customs for the district of \_\_\_\_\_, numbered \_\_\_\_\_ and dated \_\_\_\_\_.

As witness my hand and seal the day and year above-mentioned. \_\_\_\_\_

On the production of such receipt or acknowledgment to the collector who granted the document, he will cancel the bond as though the document had been produced to him.

Rev. Stats. sec. 4175.

**Art. 73.** Certificates of registry and enrolments surrendered to collectors in pursuance of law will be transmitted by mail for cancellation directly to the Register of the Treasury, and if the document be delivered to the collector of a district other than that in which it was granted, the Register will cause due notice to be given to the collector by whom it was issued.

In the cases stated in Articles 31 and 32, the surrendered documents will be transmitted to the collectors who granted the same, and after the proper entries have been

made in their books, they will forward them to the Register of the Treasury. Officers to whom such documents are transmitted will promptly acknowledge their receipt.

Rev. Stats. secs. 4174, 4324; Desty S. & A. § 17.

*The exchange and renewal of marine documents and conveying of vessels.*

**Art. 74.** When a vessel, once registered, enrolled, or licensed in pursuance of law, shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, such vessel must be documented anew by her former name, otherwise she will cease to be a vessel of the United States. In every such sale or transfer there must be some instrument of writing, in the nature of a bill of sale, which shall recite at length her former document, and also set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

A proper bill of sale being produced to the collector, the former document surrendered, and the requirements of the regulations governing the issue of marine documents having been complied with, excepting the production of carpenter's certificate, and, unless she has been altered in burden, excepting also the certificate of admeasurement, a new document may issue in the ordinary form. The new document must, in all cases, cite the former document by number, date, and port of issue, and quote from it the description and tonnage of the vessel.

At the time application is made for the new document, the former document of the vessel must be surrendered to the collector to whom the application for such new document is made. If on the sale or transfer such a former certificate of registry be not delivered up as aforesaid, unless on oath or affirmation of its loss, destruction, or mislaying, as hereinafter prescribed, her owner or owners shall forfeit five hundred (\$500) dollars, to be recovered with costs of suit.

Rev. Stats. secs. 4159, 4162, 4169.

**Art. 75.** A vessel registered in pursuance of law, which shall be sold or transferred, in whole or in part, to a citizen or citizens of the United States, while such ship or vessel is without the limits of the United States, shall, on her first arrival in the United States thereafter, be entitled to all the privileges and benefits of a vessel of the United

States, if a new document be obtained, on due compliance with the law regulating the issue thereof, within three days after the time—forty-eight hours after arrival—when the master or commander is required to make a final report after his arrival in a port of the United States.

Upon the sale or transfer of a United States vessel in a foreign port, it is the duty of the consul to collect, from the master or agent, the hospital tax accrued and unpaid at the time of the sale, and to retain the papers of the vessel until payment is made. If such tax be not paid, the sale or transfer is void, except as against the vendor.

Rev. Stats. sec. 4166; Desty S. & A. § 16.

**Art. 76.** A bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel of the United States, is not valid against any person other than the grantors, unless recorded in the office of the collector of customs, where the vessel is registered or enrolled.

Collectors are required to record all such bills of sale, and the other papers above specified, and all certificates for discharging any such conveyances.

Collectors will also keep an index of such records alphabetically arranged, and, when required, furnish a certificate setting forth the material facts of any existing bill of sale, or other such paper.

All such records will be open to public inspection during office hours.

A bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, cannot be recorded unless duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds.

Rev. Stats. secs. 4192, 4193; Desty S. & A. § 92.

**Art. 77.** When a vessel registered, enrolled, or licensed in pursuance of law is altered in form or burden, by being lengthened or built upon, or from one denomination to another by the mode or method of rigging or fitting, such vessel must be documented anew by her former name, otherwise she will cease to be deemed a vessel of the United States.

In order to the new registry of a documented vessel so altered in form, burden, or denomination, her ownership remaining the same, all the usual requirements must be met except the production of the master carpenter's certificate.

The new document will be issued as in case of a transfer of property, indicating, however, the change of burden

and referring to the former document only for the sake of identification.

At the time of application for a new certificate of registry the former document must be surrendered to the collector. For the non-surrender of a former certificate of registry, unless lost, destroyed, or mislaid, the same forfeitures will be incurred as in case of non-surrender on sale or transfer of a vessel.

Rev. Stats. secs. 4189, 4170; Desty S. & A. § 16.

**Art. 78.** Collectors of the customs are authorized to grant certificates of registry to vessels enrolled or licensed under the laws of the United States, upon the surrender of their enrolment and license, or license, if under twenty tons, on due compliance with the conditions hereinafter prescribed.

A certificate of the master carpenter or surveyor's certificate of admeasurement will not be required, unless some change of tonnage has taken place since the time of her enrolment; but all other usual requirements must be observed.

The certificate of registry must, in all cases, cite the enrolment by number, date, and port of issue, and quote from it the description and tonnage. The certificate will be permanent if issued at the home port of the vessel.

Should such vessel be in any other district than the one to which she belongs, the collector of the district may, on application of the master, issue a certificate of temporary registry on surrender of the enrolment and license, and his giving the bond required on the issue of certificates of registry, and taking an oath or affirmation that, according to his best knowledge and belief, the property remains as expressed in the enrolment proposed to be given up; which oath shall be in the form following:

FORM No. 21

*Oath of master of enrolled vessel.*

I, \_\_\_\_\_, master of the vessel called the \_\_\_\_\_, of \_\_\_\_\_, do swear, (or affirm,) according to my best knowledge and belief, that the property of the said vessel remains the same as expressed in the enrolment thereof granted by the collector for the district of \_\_\_\_\_, in the State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, which I now deliver up: So help me God.



PORT OF \_\_\_\_\_,  
 \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

Sworn to and subscribed before me.  
 \_\_\_\_\_, Collector.

The certificate of temporary registry issued instead of the surrendered enrolment must, within ten days after the arrival of the vessel within the district to which she belongs, be delivered to the collector of the district, and by him cancelled; and if the master or commander of the vessel shall neglect to deliver the certificate within ten days, he shall forfeit one hundred (\$100) dollars.

Rev. Stats. sec. 4323; Desty S. & A. § 17.

**Art. 79.** Collectors of the several districts are authorized to enroll and license any vessel that may have been registered, upon the surrender to them of the certificate of registry, and on due compliance with the provisions of law regulating the issue of certificates of enrolments and licenses.

When the vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master or commander of such vessel, and upon his making oath or affirmation that, according to his best knowledge and belief, the property remains as expressed in the certificate of registry proposed to be given up, (Form No. 21,) and upon his giving the bonds required for granting enrolment and license, shall make the exchange. In every such case, the collector to whom the certificate is thus surrendered must transmit the same to the Register of the Treasury, and the enrolment and license granted in lieu thereof must, within ten days after the arrival of the vessel within the district to which she belongs, be delivered to the collector thereof, to be by him cancelled; and if the master or commander neglects to deliver said enrolment and license, he will be subjected to a fine of one hundred (\$100) dollars.

Coasting papers must not be granted to any vessel having on board merchandise brought from a foreign port, until it be wholly unladen, and the duties paid or secured.

Rev. Stats. secs. 4322, 4323; Desty S. & A. § 20.

**Art. 80.** On proof, satisfactory to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that her marine documents are retained by the former owners, the Secretary of the Treasury may direct the collector of the district to which the vessel belongs to grant new documents, on the owners

The debit entries in the form relate to three cases in which temporary registers are to be granted, viz:

*First.* Where a vessel is purchased for, or sold to, citizens of the United States belonging out of the district.

*Second.* In case an enrolled vessel is out of the district to which she belongs, and is registered before proceeding on a foreign voyage.

*Third.* Where a vessel arrives in a district other than that to which she belongs, her register having been lost, destroyed, or mislaid.

The credit entries are to be made whenever the surrendered registers are received from another office, or when information is received from the register of the Treasury that they have been so surrendered, or when legal proof is made that they have been lost, destroyed, or mislaid. The observations made respecting the mode of keeping the account of permanent registers are applicable also to this.

*Record of enrolled and licensed vessels.*

**Art. 101.** Of enrolments, both permanent and temporary, separate accounts will be kept in like manner in Forms 33 and 34; and of licenses in Forms 35 and 36.





## FORM No. 33.—(Continued.)

[Here insert whether steamers, sailing vessels, canal-boats, or barges.]

Abstract of permanent enrolments issued and surrendered in the district of \_\_\_\_\_, from the first day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

## ENROLMENTS SURRENDERED.

Date of enrolment.	Number of enrolment.	Official number.		Species of vessel.	Name of vessel.	For what cause surrendered.	When surrendered.	Where surrendered.	Tonnage.	
		Numeral.	Letters.						Tons.	100lbs.











FORM No. 36.

[Here insert whether steamers, sailing vessels, canal-boats, or barges.]

*Abstract of licenses of vessels under twenty tons issued and surrendered in the district of \_\_\_\_\_, for carrying on the coasting trade, (or fisheries, as the case may be,) from the first day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_.*

LICENSES GRANTED.

Date of license.		Number of license.		Managing owner.		Master.		For what cause granted.		Description of former license.		To what port belonging.		Tonnage.							
Numerals.		Letters.		Species of vessel.		Name of vessel.		Managing owner.		Master.		For what cause granted.		Number of license.		Date of license.		Tons.		100lbs.	



**Art. 102.** When a document is granted it must be recorded in the book appropriated for that purpose, and entered also in the proper index.

When a document is surrendered; or when proof of loss, destruction, or mislaying is made to the collector by whom granted, or regular information thereof received from any other office; or when an alteration has been made in the vessel; or a change of the master has happened; or a change of the name in case of a recorded vessel; or when, for any cause, an endorsement has been made on the original document; or when official information has been obtained that any document has ceased to be of validity, an endorsement, accurately stating the fact, will be made on the back of the record.

Also, when a vessel is proved to have been lost at sea, wrecked, abandoned as unfit for service, or sold to foreigners, an endorsement of the fact will be made in like manner, stating the date, place, and circumstances of such disaster, abandonment, or sale. When a new document is issued an endorsement will be made on the record of the former document, referring to the new document and to the record thereof.

When a document is surrendered or cancelled a suitable entry will be made in the index.

**Art. 103.** The accounts of permanent and temporary papers are in all cases to be kept separately, as above prescribed. At the larger ports, also, separate accounts, in the foregoing forms, are to be kept of steamers and sailing vessels; of enrolments and licenses issued to vessels engaged in the coasting trade, and to vessels in the fisheries, and to canal-boats, and to barges. Under the heads of barges are to be included all licensed vessels, other than canal-boats, of whatever tonnage, not propelled by sails or steam. Of licenses, separate accounts are also to be kept of those issued to enrolled vessels and to vessels of less than twenty tons burden.

For convenience of reference a list is appended of the accounts to be kept under these regulations:

- Permanent registers, sail.
- Permanent registers, steam.
- Permanent registers, whale fishery.
- Temporary registers, sail.
- Temporary registers, steam.
- Permanent enrolments, sail.
- Permanent enrolments, steam.
- Permanent enrolments, canal-boats.
- Permanent enrolments, barges.

Temporary enrolments, sail.

Temporary enrolments, steam.

Temporary enrolments, canal-boats.

Temporary enrolments, barges.

Licenses under twenty tons, sail, in coasting trade.

Licenses under twenty tons, sail, in the fisheries.

Licenses under twenty tons, steam, in the fisheries.

Licenses under twenty tons, steam, in coasting trade.

Licenses of enrolled vessels, sail, in the fisheries.

Licenses of enrolled vessels, steam, in the fisheries.

Licenses of enrolled vessels, sail, in the coasting trade.

Licenses of enrolled vessels, steam, in the coasting trade.

At the smaller ports the accounts of sail and steam vessels may be consolidated, though the returns to the Register of the Treasury should always exhibit them separately.

**Art. 104.** Great care should be exercised by collectors that no document be credited upon any abstract which has not before been debited in the same account. This can very easily be prevented if the indexes are properly kept.

The observations before made on the forms numbered 31 and 32, sufficiently explain the entries to be made in the other abstracts above prescribed.

**Art. 105.** Quarterly returns will be made to the Register of the Treasury, consisting of a transcript of the foregoing accounts, accompanying which must be, at the same time, transmitted duplicates of all registers and enrolments issued and all surrendered originals.

Every surrendered document should be endorsed similarly to the record thereof in the record book.

In every case where a register or enrolment is credited as having been lost, destroyed, or mislaid, the collector will forward a copy of the same to the Register of the Treasury with the circumstances and proof of such loss or destruction endorsed upon it, and upon the face should be written "Copy transmitted in place of lost document." Where the vessel has been also lost, abandoned, or sold to foreigners, the same endorsement will be made upon the copy as is required to be made upon a surrendered document in such case.

**Art. 106.** In respect to licenses, it is found that the purposes of the law may be answered without subjecting collectors to the trouble and expense of transmitting to the Register copies of those issued, or the surrendered

originals, provided the abstracts herein prescribed are promptly and carefully rendered.

**Art. 107.** Collectors will transmit promptly to the Register of the Treasury at the end of every month an abstract of all registers, enrolments, and licenses surrendered to them which were issued at other ports:

## FORM No. 37.

*Abstract of registers, enrolments, and licenses surrendered at the port of \_\_\_\_\_, during the month of \_\_\_\_\_, 18—, which were issued at other ports.*

Denomination of vessel.	Name of vessel.	Species of document.	Date of document.	No. of document.	Port where issued.	Tonnage.	
						Tons.	100lbs.

Accompanying this abstract will be sent all such surrendered registers and enrolments enumerated in it which are not by law required to be forwarded by the collector to the port of issue.

Upon receipt of these surrendered documents the Register will send notice thereof to the ports at which they were issued.

Collectors on receiving such notice will make the required credits upon their quarterly abstracts.

**Art. 108.** In order to obtain accurate statistics of the tonnage of the United States employed in the several branches of trade, collectors of customs at the several ports will, within three months before the close of each fiscal year, carefully revise the list of vessels purporting to be owned at their respective ports; and in cases where, the ship's papers not having been returned, or notice otherwise given, they have reason to suppose the vessels have been lost, sold, or documented elsewhere, they will make inquiries concerning them of their owners, or otherwise, and upon receipt of satisfactory information of loss or sale as aforesaid, they will make the proper endorsements thereof in their record books, and the proper credits upon their quarterly abstracts as hereinbefore directed.

**Art. 109.** That the necessary record of changes of masters of vessels may be made at the Treasury, a quarterly return of all endorsements of such changes is to be rendered to the Register, in the following form:

## FORM No. 38.

*Abstract of endorsements of changes of masters of vessels, made on certificates of registry, enrolment, record, and on licenses, in the district of \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_.*

Dates of registers, enrolments and licenses.	Kind of document.	No. of registers, enrolments, and licenses.	In what district granted.	Description and name of vessel.	Name of late master.	Name of present master.	When endorsed.	Remarks.
1857.							1867.	
July 15	....	5	....	Ship Thomas.....	A B	C D	July 1	
3	....	2	....	Brig James.....	E F	G H	May 16	
20	....	4	....	Sloop Susanna.....	J K	L M	June 10	
19	....	2	....	Sloop Peter.....	R O	P Q	29	
17	....	2	....	Schooner Peace....	N O	P Q	15	
13	....	1	....	Sloop Olive Branch	R S	T U	15	
19	....	10	....	Schooner Maria....	V W	H Y	30	

When the names of recorded vessels are changed and endorsed on certificates of record, this form will require an additional column, in which the new names will be inserted.

**Art. 110.** Returns are also required to be made quarterly to the Register of the Treasury of vessels sold to foreigners; of vessels lost at sea or wrecked; of vessels abandoned, as unfit for service; of foreign vessels wrecked in the waters of the United States and repaired and documented under instructions from the Secretary of the Treasury; and of vessels built. Blanks for these returns will be from time to time furnished by the Register.

**Art. 111.** In addition to the returns herein required to be made to the Register of the Treasury, monthly, quarterly, and annual statements in reference to the tonnage, ownership, and names of vessels, are to be forwarded by the collector of every district to the Bureau of Statistics.



## CHAPTER V.

## ADMEASUREMENT OF VESSELS.

*Mode of admeasuring.*

**Article 112.** The marine document of every vessel shall express her length and breadth, together with her depth, and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck.

The length from the forepart of the outer planking, on the side of the stem, to the afterpart of the main stern-post of screw-steamers, and to the afterpart of the rudder-post of all other vessels, measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam.

A measure from the underside of tonnage-deck plank, amidships, to the ceiling of the hold, average thickness, shall be accounted the depth of the hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the underside of the upper-deck plank shall be accounted as the height under the spar-deck. All measurements to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

Rev. Stats. sec. 4156.

**Art. 113.** The register tonnage of a vessel shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern-timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following

table, according to the class in such table to which the vessel belongs :

Rev. Stats. sec. 4153; Desty S. & A. §§ 23, 26, 203.

**Art. 114.** Table of classes :

*Class 1.* Vessels of which the tonnage length according to the above measurement is fifty feet, or under, into six equal parts.

*Class 2.* Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet long, into eight equal parts.

*Class 3.* Vessels of which the tonnage length according to the above measurement is above one hundred feet long, and not exceeding one hundred and fifty feet long, into ten equal parts.

*Class 4.* Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet long, into twelve equal parts.

*Class 5.* Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet long, into fourteen equal parts.

*Class 6.* Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet long, into sixteen equal parts.

Rev. Stats. sec. 4153; Desty S. & A. §§ 23, 26, 203.

**Art. 115.** Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length, as follows :

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber, at the inside of the limber strake, after deducting the average thickness of the ceiling, which is between the bilge blanks and the limber strake; then if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down to the lowest breadth; multi-

ply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadth, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure, as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

**Art. 116.** Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas, successively, one, two, three, &c., number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to table, into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second and every even-numbered area by four, and the third and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last, if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage-deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage-deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

**Art. 117.** If there be a break, a poop, or any other permanent closed-in space on the upper decks, or on the spar deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts, of which the distance asunder shall be most nearly equal to

those into which the length of the tonnage-deck has been divided; measure, at the middle of its height, the inside breadths, namely, one at each end and at each of the points of division, numbering them, successively, one, two, three, &c.; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of each space; then measure the mean height between the plank of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid.

**Art. 118.** If a vessel has a third deck, or spar-deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:

Measure, in feet, the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth of the stern; number them, successively, one, two, three, &c., commencing at the stem; multiply the second and all other even-numbered breadths by four, and the third and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths; multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as aforesaid.

And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in manner above described, and shall be added to the tonnage of the vessel, ascertained as aforesaid.

**Art. 119.** In ascertaining the tonnage of open vessels, the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from the upper edge of said strake at each division of the length.

**Art. 120.** The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks above the tonnage-deck; also that of the poop or other enclosed spaces above the deck, each separately. In every documented United States ship or vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a documented United States vessel.

**Art. 121.** No part of any vessel will be admeasured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

Rev. Stats. sec. 4151.

**Art. 122.** The measurements should be made with a water-proof tape, graduated into feet and tenths of a foot, and as nearly inelastic as possible; Chesterman's metallic tape is recommended.

A pair of sliding-rods should be provided for taking the depths, with a guide and clamp, so that they may be secured in a perpendicular position between the keelson and deck.

A two-foot rule, with a hinge joint, is required for taking the rake of the bow and stern, and for other purposes.

A carpenter's square will be found useful for setting the sliding-rod perpendicular to the keelson.

For taking the breadths in the hold, which are beyond the reach of the measuring officers, two rods will be needed—each about eight feet long—one having a slot or wheel at the top, through which the tape may be passed; and the other a hook, to which the ring at the end of the tape may be attached.

**Art. 123.** The register length, breadth, and depth (Article 112) are the external dimensions of vessels, and are taken for the purpose of describing them in their marine documents. (See Dia. 1, Fig. 2, and Dia. 2.)

The length may be taken at such a parallel distance from the middle line of the ship as may be necessary in

**Art. 102.** When a document is granted it must be recorded in the book appropriated for that purpose, and entered also in the proper index.

When a document is surrendered; or when proof of loss, destruction, or mislaying is made to the collector by whom granted, or regular information thereof received from any other office; or when an alteration has been made in the vessel; or a change of the master has happened; or a change of the name in case of a recorded vessel; or when, for any cause, an endorsement has been made on the original document; or when official information has been obtained that any document has ceased to be of validity, an endorsement, accurately stating the fact, will be made on the back of the record.

Also, when a vessel is proved to have been lost at sea, wrecked, abandoned as unfit for service, or sold to foreigners, an endorsement of the fact will be made in like manner, stating the date, place, and circumstances of such disaster, abandonment, or sale. When a new document is issued an endorsement will be made on the record of the former document, referring to the new document and to the record thereof.

When a document is surrendered or cancelled a suitable entry will be made in the index.

**Art. 103.** The accounts of permanent and temporary papers are in all cases to be kept separately, as above prescribed. At the larger ports, also, separate accounts, in the foregoing forms, are to be kept of steamers and sailing vessels; of enrolments and licenses issued to vessels engaged in the coasting trade, and to vessels in the fisheries, and to canal-boats, and to barges. Under the heads of barges are to be included all licensed vessels, other than canal-boats, of whatever tonnage, not propelled by sails or steam. Of licenses, separate accounts are also to be kept of those issued to enrolled vessels and to vessels of less than twenty tons burden.

For convenience of reference a list is appended of the accounts to be kept under these regulations:

- Permanent registers, sail.
- Permanent registers, steam.
- Permanent registers, whale fishery.
- Temporary registers, sail.
- Temporary registers, steam.
- Permanent enrolments, sail.
- Permanent enrolments, steam.
- Permanent enrolments, canal-boats.
- Permanent enrolments, barges.

Temporary enrolments, sail.

Temporary enrolments, steam.

Temporary enrolments, canal-boats.

Temporary enrolments, barges.

Licenses under twenty tons, sail, in coasting trade.

Licenses under twenty tons, sail, in the fisheries.

Licenses under twenty tons, steam, in the fisheries.

Licenses under twenty tons, steam, in coasting trade.

Licenses of enrolled vessels, sail, in the fisheries.

Licenses of enrolled vessels, steam, in the fisheries.

Licenses of enrolled vessels, sail, in the coasting trade.

Licenses of enrolled vessels, steam, in the coasting trade.

At the smaller ports the accounts of sail and steam vessels may be consolidated, though the returns to the Register of the Treasury should always exhibit them separately.

**Art. 104.** Great care should be exercised by collectors that no document be credited upon any abstract which has not before been debited in the same account. This can very easily be prevented if the indexes are properly kept.

The observations before made on the forms numbered 31 and 32, sufficiently explain the entries to be made in the other abstracts above prescribed.

**Art. 105.** Quarterly returns will be made to the Register of the Treasury, consisting of a transcript of the foregoing accounts, accompanying which must be, at the same time, transmitted duplicates of all registers and enrolments issued and all surrendered originals.

Every surrendered document should be endorsed similarly to the record thereof in the record book.

In every case where a register or enrolment is credited as having been lost, destroyed, or mislaid, the collector will forward a copy of the same to the Register of the Treasury with the circumstances and proof of such loss or destruction endorsed upon it, and upon the face should be written "Copy transmitted in place of lost document." Where the vessel has been also lost, abandoned, or sold to foreigners, the same endorsement will be made upon the copy as is required to be made upon a surrendered document in such case.

**Art. 106.** In respect to licenses, it is found that the purposes of the law may be answered without subjecting collectors to the trouble and expense of transmitting to the Register copies of those issued, or the surrendered

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originals, provided the abstracts herein prescribed are promptly and carefully rendered.

**Art. 107.** Collectors will transmit promptly to the Register of the Treasury at the end of every month an abstract of all registers, enrolments, and licenses surrendered to them which were issued at other ports:

## FORM No. 37.

*Abstract of registers, enrolments, and licenses surrendered at the port of ———, during the month of ———, 18—, which were issued at other ports.*

Denomination of vessel.	Name of vessel.	Species of document.	Date of document.	No. of document.	Port where issued.	Tonnage.	
						Tons.	100ths.

Accompanying this abstract will be sent all such surrendered registers and enrolments enumerated in it which are not by law required to be forwarded by the collector to the port of issue.

Upon receipt of these surrendered documents the Register will send notice thereof to the ports at which they were issued.

Collectors on receiving such notice will make the required credits upon their quarterly abstracts.

**Art. 108.** In order to obtain accurate statistics of the tonnage of the United States employed in the several branches of trade, collectors of customs at the several ports will, within three months before the close of each fiscal year, carefully revise the list of vessels purporting to be owned at their respective ports; and in cases where, the ship's papers not having been returned, or notice otherwise given, they have reason to suppose the vessels have been lost, sold, or documented elsewhere, they will make inquiries concerning them of their owners, or otherwise, and upon receipt of satisfactory information of loss or sale as aforesaid, they will make the proper endorsements thereof in their record books, and the proper credits upon their quarterly abstracts as hereinbefore directed.

**Art. 109.** That the necessary record of changes of masters of vessels may be made at the Treasury, a quarterly return of all endorsements of such changes is to be rendered to the Register, in the following form:

## FORM No. 38.

*Abstract of endorsements of changes of masters of vessels, made on certificates of registry, enrolment, record, and on licenses, in the district of \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_.*

Dates of registers, enrolments and licenses.	Kind of document.	No. of registers, enrolments, and licenses.	In what district granted.	Description and name of vessel.	Name of late master.	Name of present master.	When endorsed.	Remarks.
1857.							1857.	
July 15	.....	5	.....	Ship Thomas.....	A B	C D	July 1	
3	.....	2	.....	Brig James.....	E F	G H	May 16	
20	.....	4	.....	Sloop Susanna.....	J K	L M	June 10	
19	.....	7	.....	Sloop Peter.....	R O	P Q	29	
17	.....	2	.....	Schooner Peace....	N O	P Q	15	
13	.....	1	.....	Sloop Olive Branch	R S	T U	15	
19	.....	10	.....	Schooner Maria....	V W	H Y	30	

When the names of recorded vessels are changed and endorsed on certificates of record, this form will require an additional column, in which the new names will be inserted.

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1857.							1867.	
July 15	.....	5	.....	Ship Thomas.....	A B	C D	July 1	
20	.....	2	.....	Brig James.....	E F	G H	May 18	
20	.....	2	.....	Sloop Susanna.....	I J	K L	June 10	
17	.....	2	.....	Sloop Peter.....	M N	O P	29	
19	.....	3	.....	Schooner Peace.....	Q R	S T	15	
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19	.....	10	.....	Schooner Maria....	Y Z	A B	30	

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19	....	10	....	Schooner Maria....	V W	H Y	30	

When the names of recorded vessels are changed and endorsed on certificates of record, this form will require an additional column, in which the new names will be inserted.

**FORM No. 43.**

*Certificate of boarding officer, endorsed on original manifest.*

I, \_\_\_\_\_, certify that the within manifest was this day produced to me as an original manifest of the cargo on board the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_.

In witness whereof, I have hereunto signed my name this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

And the boarding officer shall further certify on the back of such copy as follows:

**FORM No. 44.**

*Certificate of boarding officer, endorsed on copies of manifests.*

I, \_\_\_\_\_, certify that I have examined the within manifest, produced to me this day as a copy of the original manifest of the cargo on board of the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, with the original, and find the same to agree.

In witness whereof, I have hereunto signed my name this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

And shall forthwith transmit such copy or copies to the collectors of the districts to which the merchandise may appear, respectively, to be consigned.

**Art. 144.** The master or person in charge or command of the vessel must also produce for inspection, in like manner, to any officer of the customs who shall first come on board of the vessel upon arrival within the limits of any district of the United States in which the cargo, or any part thereof, is intended to be discharged or landed, the manifest of such cargo, and deliver to him a true copy thereof, provided and subscribed by the master or other person in command.

And the production of the original and delivery of the copy shall be certified by the officer of the customs on the back of the original manifest, with the date of such production of the original and receipt of copy; and shall forthwith transmit the copy of the manifest to the collector of the district.

**Art. 145.** The master of every vessel is required to deliver a copy of each manifest to the officer first coming on board within four leagues of the coast, and another copy to the officer first coming on board within the limits of the district. He is also required to exhibit to any other officer, on demand, the original manifest, or manifests, with the certificates thereon.

The original manifest should always be ready for production on demand; but if the copies are unprepared, a reasonable time will be allowed by the boarding officer for their preparation.

**Art. 146.** The master or person in charge or command of the vessel must afterwards produce and deliver to the collector the original manifest or manifests; and when a manifest shall be produced to the collector not certified by the boarding officer, the master or person in command of the vessel must make oath or affirmation that no officer has demanded or endorsed a manifest of the cargo of the vessel.

**Art. 147.** If the master or person in charge or command of a vessel laden with merchandise, and arriving from a foreign port, shall not, upon demand of the proper officer of the customs, exhibit to him the manifest, or manifests, and deliver the copy or copies thereof, as required by law, or shall not give a true account of the destination of such vessel, upon request of the proper officer, or shall give a false account thereof, in order to evade the production of the manifest, the master, or other person in charge or command of the vessel, shall forfeit, for every such neglect, refusal, or offense, a sum not exceeding five hundred (\$500) dollars.

The officer or officers first boarding the vessel, neglecting or refusing to endorse the prescribed certificates upon the manifest, shall forfeit and pay five hundred (\$500) dollars.

It will be the duty of the officer who shall not receive full satisfaction, on application to the master or other person in command of the vessel, in respect of the foregoing requirements, to make a return in writing, to the collector of the district to which he considers such vessel as bound, of the name of the vessel, and of the person so offending.

Rev. Stats. secs. 2814, 2815; *Desty S. & A.* § 6.

**Art. 148.** The master of a vessel of the United States from a foreign port is required to exhibit the certified copy of his crew list to the first boarding officer at the

first port of arrival, and produce to him the persons therein named; and it is the duty of such boarding officer to examine the men with such list, and report the same to the collector, who, if the vessel originally sailed from another port, is required to transmit to the collector of such port a copy of the list so reported.

This bond is not forfeited by the failure to produce any of the persons named in the crew list who may have been discharged in a foreign country with the consent of the United States consul or consular agent therein residing, in writing, under his hand and official seal, to be exhibited to the collector; or who may have deceased, absconded, or been forcibly impressed into other service, of which satisfactory proof must then be exhibited to the collector.

Rev. Stats. sec. 4576; Desty S. & A. § 125.

**Art. 149.** Upon every arrival of a vessel of the United States from a foreign port, the master is required, before the vessel can be admitted to entry, to exhibit to the collector of the port, a true account of the number of seamen employed on board such vessel since her last entry at any port of the United States, and to pay to the collector, for the use of the marine hospital fund, the sum of forty cents per month for every seaman so employed.

For the purpose of this collection the term "seaman" embraces all persons employed in navigating or in the care of the vessel, including officers, as well as engineers, coal-heavers, stokers, firemen, watchmen, and servants, male and female.

Rev. Stats. secs. 4585, 4587; Desty S. & A. § 164.

**Art. 150.** Within twenty-four hours after the arrival of any vessel, from a foreign port or place, within any port of the United States at which an officer of the customs resides, or as soon thereafter as the hours of business at the custom-house will permit, the master or other person in command or charge of the vessel is required to make report of the arrival thereof to the chief officer of the customs; and within forty-eight hours after arrival he is required to make a further report, in writing, to the collector of the district, in the form and containing all the particulars required to be inserted in a manifest, and declare to its truth, by oath or affirmation before the collector, according to Form No. 45.

The master, or other person having the charge or command of any such vessel, neglecting or omitting to make the reports, or either of them, and the declaration or

declarations, or to make the oath as required, or not fully complying with the true intent and meaning of the law, as the case may be, for each and every offense shall forfeit and pay the sum of one thousand (\$1000) dollars.

Rev. Stats. sec. 2774; Desty S. & A. § 239.

**Art. 151.** Collectors or other officers of the customs shall not permit any vessel arriving within a port or collection district of the United States to make entry or break bulk until all letters on board of such vessel shall be delivered into the post office at or nearest the port or place, nor until the commander of the vessel shall have signed and sworn to the declaration required by law according to Clause 3, Form No. 45.

For breaking bulk before due delivery of all the letters at the post office, the commander of the vessel becomes liable to a penalty not exceeding one hundred (\$100) dollars.

Rev. Stats. sec. 3068.

**Art. 152.** The collectors and other officers of the customs are authorized to examine and search every vessel for letters which may be on board, or carried contrary to law; and whenever they have good reason to suspect that violations of the law have been committed, they will make examinations and searches; and if seizures are made, they will retain in their own hands the letters or packages of letters so seized, report at once the facts to the Secretary of the Treasury, and await his instructions.

An officer of the customs must take charge of each letter bag before it leaves the ship, and examine it in presence of the master or other officer commanding the vessel. The letters and packages must be replaced, the bag sealed up, put into the custody of such officer of the vessel and delivered to the post office.

A receipt will then be given by the postmaster, stating when the letter bag was delivered at the post office, and the condition of the seal at that time; which receipt shall be handed to the collector at or before the time when the master of the vessel makes application to enter and take the oath required by law for that purpose.

All letters or packages suspected of containing articles liable to duty, whether directed to the owner, consignee, or other person, must be deposited at the custom-house, in charge of an officer of the customs, and notice given to the persons to whom they are directed to cause the same to be opened in the presence of such officer of the customs as the collector may designate for that purpose.

Rev. Stats. sec. 3069.

**Art. 153.** There is furthermore required of the master of every vessel of the United States arriving from a foreign port a return, on oath or affirmation, showing that he has promptly delivered at the proper foreign port all mails placed on board the vessel under his command before her last clearance from the United States; and which by law he was bound to receive. In default of such return his vessel shall be denied the privileges of a vessel of the United States. Clause 4, Form No. 45.

Rev. Stats. sec. 4212.

**Art. 154.** The oath of the owner, or part owner, or master, as the case may be, of a vessel of the United States from a foreign port, upon entry, as to her ownership, must be made in the form prescribed in Clause 5, Form No. 45.

Rev. Stats. sec. 4173; Desty S. & A. § 14.

**Art. 155.** The master of a vessel of the United States is also required to declare, under oath, whether any of the crew under his command have been detained or impressed in the course of the voyage by any foreign power. Clause 3, Form No. 45.

Rev. Stats. sec. 4596.

**Art. 156.** The master or commander of a vessel arriving from a foreign port will be required to state, under oath, on entry of the same at the custom-house, at what date the vessel sailed from the foreign port of departure. Clause 7, Form No. 45.

**Art. 157.** The statement of the master or commander so made should be noted at once on the record or register of the entries of vessels; and a copy or abstract thereof, exhibiting the name of the vessel, master, where from, and date of actual sailing from the foreign port, should be furnished to the appraisers on the day next succeeding that on which the vessel shall have been entered.

**FORM No. 45.**

*Master's oath on entry of vessel of the United States. †*

1. I, A, B., do solemnly, sincerely, and truly swear (or affirm) that the report and manifest subscribed with my name, and now delivered by me to the collector of the district of ———, contains, to the best of my knowledge and belief, a just and true account of all the goods, wares, and merchandise, including packages of every kind and

nature whatsoever, which were on board the ——— at the time of her sailing from the port of ——— or which have been laden or taken on board at any time since, and that the packages of the said goods are as particularly described as in the bills of lading signed for the same by me, or with my knowledge; that I am at present, and have been during the voyage, master of the said vessel; that no package whatsoever, or any goods, wares, or merchandise have been unladen, landed, taken out, or in any manner whatever removed from on board the said ——— since her departure from the said port of ——— except such as are now particularly specified and declared in the abstract or account herewith, and that the clearance and other papers, now delivered by me to the collector, are all that I now have, or have had, that any way relate to the cargo of the said vessel.

And I do further swear (or affirm) that the several articles specified in the said manifest as sea stores for the cabin and vessel are truly such, and were *bona fide* put on board the said ——— for the use of the officers, crew, and passengers thereof, and have none of them been brought, and are not intended, by way of merchandise, or for sale, or for any other purpose than above mentioned, and are intended to remain on board for the consumption of the said officers and crew; and I further swear (or affirm) that if I shall hereafter discover or know of any other or greater quantity of goods, wares, and merchandise, of any nature or kind whatsoever, than are contained in the report and manifest subscribed and now delivered by me, I will immediately and without delay make due report thereof to the collector of the port or district of ———; and I do likewise swear (or affirm) that all matters whatsoever, in the said report and manifest expressed, are, to the best of my knowledge and belief, just and true.

2. I further swear (or affirm) that no officer of the customs has applied for an inspection of the manifest of the cargo on board the said vessel, and that no certificate or endorsement has been delivered to me on any manifest of such cargo. [This clause to be omitted if the vessel has been boarded as per Articles 143 and 144.]

3. I do further, as required by law, solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered or caused to be delivered into the post office at or nearest this port, every letter, and every bag, parcel, or package of letters that were on board the said vessel during her last voyage, and that I have so delivered or caused to be delivered all such letters, bags, par-

cels, and packages as were in my possession or under my power or control.

4. And further, that all mails placed on board the said vessel at or before her last clearance from a port in the United States to a foreign port have been in good faith delivered at such foreign port in accordance with the requirements of law.

5. I further swear (or affirm) that the register of the said \_\_\_\_\_, herewith presented, contains the names of all persons who are now owners thereof, except [here state changes, if any, that have occurred in the ownership,] and that no foreign subject or citizen hath, to the best of my knowledge and belief, any share, by the way of trust, confidence, or otherwise, in the said vessel, [or, if the vessel is owned by an incorporated company in the United States, pursuant to Article 6 of Part I, exhibits the true and actual ownership of said vessel, pursuant to the Act of March 3, 1825.]

6. I further swear (or affirm) that no part of the crew of the said vessel has been impressed or detained, in the course of the last voyage, by any foreign power.

7. I further swear (or affirm) that the said vessel sailed from the said port of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 18—. \_\_\_\_\_, *Master.*

PORT OF \_\_\_\_\_.

Sworn [or affirmed] before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—. \_\_\_\_\_, *Collector.*

If any of the owners reside at the port of entry, Clause 5 of this oath must be sworn to by one of them.

‡ In the case of foreign vessels the same form will be used, omitting Clauses, 4, 5, and 6.

Rev. Stats. secs. 2774, 4173.

**Art. 158.** The master or person in command or charge of any vessel having on board distilled spirits, wines, or teas is also required, within forty-eight hours after his arrival, whether at the first port of arrival or not, to report in writing, to the surveyor, the foreign port or place from which he last sailed; the name, burden, denomination of the vessel; his own name; to what nation the vessel belongs; the quantity and kinds of spirits, wines, and teas on board, and the number of packages containing the same, with their marks and numbers; and the quantity and kinds of spirits, wines, and teas on board as sea stores, on pain of forfeiting the sum of five hundred (\$500) dollars and the spirits so omitted. The form of the said report is to be as follows:



## FORM NO. 46.

*Report of master of vessel to surveyor.*

*Report of distilled spirits, wines, and teas imported in the \_\_\_\_\_, built in \_\_\_\_\_, burden \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, bound to \_\_\_\_\_:*

Marks.	Number of casks, chests, and packages, inclusive.	Description of casks, chests, and packages, inclusive.	Kinds and qualities of spirits, wines and teas.	Estimated gallons of spirits, of each kind.	Estimated gallons of wines, of each kind.	Estimated pounds of teas, of each kind.	To whom consigned.	Where consigned.

*Sea stores, consisting of spirits, wines and teas :—*

*\_\_\_\_\_ , Master of \_\_\_\_\_.*

Rev. Stats. sec. 2775.

**Art. 159.** The law requires all owners, agents, consignees, masters, and commanders of vessels to deliver copies of any receipts for papers given to them by any consular officer to the collector of the district in which the vessel shall first arrive on return to the United States.

It also makes it the duty of every collector of the customs to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, together with a statement of all certified invoices which shall have come to his office, giving the dates of the certificates and the names of persons for whom, and of the consular officers by whom, the same were certified.

Such papers should be forwarded regularly and promptly at the close of each month.

Rev. Stats. sec. 4213.

DESBY C. & N.—36.

**Art. 160.** Before an entry of a vessel of the United States is made, the register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to the vessel on her departure from the port or place from which she may have arrived—Mediterranean passports excepted—are required to be produced to the collector with whom the entry is to be made, to remain in his office until a clearance is granted.

Rev. Stats. sec. 2790.

**Art. 161.** The master or commander of every foreign vessel is required, before entry, to produce to the collector, the register or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to his vessel at the port of departure for the United States, and within forty-eight hours after entry, to deposit the same with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of that officer that the papers have been so deposited.

For a failure to comply with this regulation the master or commander of the vessel so offending is, on due conviction thereof in a court of competent jurisdiction, subject to a fine of not less than five hundred (\$500) nor more than two thousand (\$2,000) dollars.

This regulation does not apply to vessels of foreign nations in whose ports consuls of the United States are not permitted to have the custody of the papers of vessels of the United States entering the ports of such nations.

The papers thus lodged with the consul shall not be returned to the master or commander of the vessel until the production by him to the consul of a clearance in due form from the collector of the port where the vessel has been entered; and any consul offending against this regulation, on conviction thereof before the Supreme Court of the United States, is subject to a fine, at its discretion, of not less than five hundred (\$500) nor more than five thousand (\$5,000) dollars.

Rev. Stats. sec. 4209.

**Art. 162.** It is not necessary for the master of any vessel-of-war or vessel employed by any prince or state as a public packet for the conveyance of letters and despatches, and not for the transportation of merchandise in the way of trade, to report and enter on arrival in the United States.

Rev. Stats. sec. 2791.

**Art. 163.** If a vessel, which shall have arrived from a foreign port within the limits of a collection district of the United States, shall depart or attempt to depart from the same, unless to proceed to some "more interior district" to which she may be bound, before report or entry shall have been made by the master or person in charge or command of the vessel, to the collector of a district of the United States, such master or person will be liable to forfeit and pay the sum of four hundred (\$400) dollars; and the collector, surveyor, or naval officer, or the commander of any revenue cutter, is authorized to arrest and bring back such vessel to the most convenient port.

The foregoing penalty will not be incurred if it shall be made to appear by oath of the master or other person in charge or command of the vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district into which the vessel shall afterwards be brought, or of the court before whom the prosecution may be had, that such departure or attempt to depart, was occasioned by stress of weather, pursuit or duress of enemies, or other necessity.

The foregoing provisions comprehend foreign as well as American vessels bound to the United States, but do not extend to a vessel arriving from a foreign port and passing through the conterminous waters of a river which forms the boundary between the United States and the territory of a foreign state, for the purpose of proceeding to such territory.

Rev. Stats. sec. 2773.

**Art. 164.** Vessels are permitted to proceed with any merchandise voluntarily brought in them into the United States, which shall appear in a manifest delivered to the collector within forty-eight hours after arrival to be destined for any foreign port or place, from the district within which they shall first arrive to such foreign port or place, without the payment or securing payment of any duties upon such of the merchandise as shall be so re-exported in the same vessel; but the master or person in charge or command of such vessel is required first to give bond to the satisfaction of the collector, with one or more sureties, in a sum equal to the amount of the duties upon the said merchandise, estimated by the collector and naval officer of the port, with condition that the merchandise, or any part thereof, shall not be landed within the United States unless the entry thereof shall be first made and the duties thereon paid or secured according to law; which bond shall be taken for the same period and cancelled in the

same manner as bonds taken on exportation of merchandise from warehouse.

The form of the bond shall be as follows :

FORM NO. 47.

*Bond in case of vessel proceeding with cargo destined for a foreign port.*

Know all men by these presents, that we, \_\_\_\_\_ and \_\_\_\_\_, are held and firmly bound unto the United States of America in the sum of \_\_\_\_\_, to be paid to the said United States; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, dated this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand and \_\_\_\_\_.

Whereas the following described packages of goods, wares, and merchandise, \_\_\_\_\_, imported into the district of \_\_\_\_\_, in the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, on the \_\_\_\_\_, as per report and manifest then delivered by the said master, and now about to be exported and conveyed in the said \_\_\_\_\_ to the port of \_\_\_\_\_; and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen here, and not so exported, would have amounted to the aforesaid sum of \_\_\_\_\_: Now, therefore, the condition of this obligation is such, that if the above bounden \_\_\_\_\_ shall and do, within \_\_\_\_\_ months from the date hereof, produce to the collector of this district the certificates required by law that the said enumerated packages of merchandise (or articles in bulk, as the case may be) have been exported to, and landed at, the aforesaid port of \_\_\_\_\_, or at any other port or place without the limits of the United States, or if neither the whole, nor any part of the said goods, wares, and merchandise shall be landed within the limits of the United States, until due entry thereof shall have been first made and the duties thereon paid or secured to be paid according to law, then the above obligation to be void; otherwise to be and remain in full force and virtue.

\_\_\_\_\_. [SEAL.]  
 \_\_\_\_\_ [SEAL.]  
 \_\_\_\_\_ [SEAL.]

Sealed and delivered in the presence of—

\_\_\_\_\_.

**Art. 165.** If merchandise be brought into the United States in a vessel from a foreign port or place, and specified in the manifest verified on oath or affirmation before the collector at the first port of arrival as destined for other districts in the United States, the importing vessel may proceed with the same from district to district in order to the landing or delivery thereof, the duties on such goods only as are landed or delivered in any district to be paid or secured in such district.

Rev. Stats. sec. 3779.

**Art. 166.** But before such vessel shall depart from the district in which she shall first arrive for another district, if the departure be not within forty-eight hours after arrival, with merchandise brought in her from a foreign port or place, duties not having been paid or secured, the master or person in charge or command of such vessel is required to obtain from the collector of the district a copy of the report and manifest, certified by said collector, to which must be annexed a certificate of the quantity and particulars of the goods landed within his district, or of the goods remaining on board upon which duties are to be paid or secured in some other district.

The form of the certificate will be as follows:

FORM No. 48.

*Certificate at first port of arrival, — vessel proceeding with foreign goods to another district.*

DISTRICT OF ———.  
Port of ———.

These are to certify that the within is a true copy of the report and manifest of the cargo of the ———, whereof ——— is master, from ———, entered at this port ———, 18—, as exhibited on oath (or affirmation) by the said master: that no part of said cargo, as expressed in such manifest, hath been unladen or landed at this port, [or, as the case may require.]

That there hath been unladen and landed at this port, and the duties thereon paid or secured to be paid, the following articles—[or] that all the said cargo, as expressed in the said manifest, hath been duly entered and landed in this district, according to law, except the following articles: ———; and that bond has been entered into, as the law directs, for the delivery of the ——— of the said cargo at ———.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_,  
 18—, \_\_\_\_\_, *Collector.*  
 \_\_\_\_\_, *Naval Officer.*

Rev. Stats. sec. 2780.

**Art. 167.** And the master or person having charge or command of such vessel is also required to give bond, with one or more sureties to the satisfaction of the collector of the district within which the vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the cargo, according to the estimate of the collector, in the following form:

**FORM NO. 49.**

*Bond of master for due entry of residue of cargo in other districts.*

Know all men by these presents, that we, \_\_\_\_\_ and \_\_\_\_\_, are held and firmly bound unto the United States of America in the sum of \_\_\_\_\_, to be paid to the said United States; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents: Sealed with our seals, dated this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand \_\_\_\_\_. Whereas the following goods, wares, and merchandise, \_\_\_\_\_, imported into the district of \_\_\_\_\_, in the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, on the \_\_\_\_\_, as per report and manifest then delivered by the said master, are now intended to be exported and conveyed in the said \_\_\_\_\_, to the district of \_\_\_\_\_; and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen, would have amounted to the aforesaid sum of \_\_\_\_\_: Now, therefore, the condition of this obligation is such, that if the above-bounden \_\_\_\_\_ shall and do, within six months from the date hereof, produce to the collector of this district the certificates required by law, that the said enumerated \_\_\_\_\_ have been duly entered and delivered at the aforesaid district of \_\_\_\_\_, or any other port or district of the United States, then the above obligation to be void; otherwise, to be and remain in full force and virtue.

\_\_\_\_\_. [SEAL.]  
 \_\_\_\_\_. [SEAL.]  
 \_\_\_\_\_. [SEAL.]

Sealed and delivered in the presence of—  
 \_\_\_\_\_

Rev. Stats. sec. 2782.

**Art. 168.** Within twenty-four hours after the arrival of the vessel in another district, the master or person in command or charge thereof, is required to report to the collector of such district, exhibiting the certified copy of his first report, together with a certificate as aforesaid from the collector of each district within which any of the merchandise brought in such vessel shall have been before landed, and the quantity and particulars thereof.

Rev. Stats. sec. 2781.

**Art. 169.** The said bond shall be cancelled or discharged, within six calendar months from the date thereof, on the production of a certificate or certificates from the collector or collectors of the district or districts for which the goods shall have been reported, testifying the due entry and delivery of the goods in such district or districts; or upon due proof, to the satisfaction of the collector by whom the bond shall have been taken, and of the naval officer of such port, if any, that such entry and delivery were prevented by some unavoidable accident or casualty, and if the whole, or any part, of the goods shall not have been lost, that the same have been duly entered and delivered within the United States. The form of the certificate shall be as follows:

FORM NO. 50.

*Certificate on landing residue of cargo.*

District of \_\_\_\_\_, part of \_\_\_\_\_. These are to certify that there have been duly entered and delivered at this port, from on board the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from the port of \_\_\_\_\_, the following packages of merchandise, \_\_\_\_\_.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 187—.

\_\_\_\_\_, *Naval Officer.*

\_\_\_\_\_, *Collector.*

Rev. Stats. sec. 2782.

**Art. 170.** A penalty of five hundred (\$500) dollars is imposed by law on the master, or other person in command or charge of any such vessel, for failure, by his neglect or fault, to obtain a copy of his report from the collector at the port of departure, or any certificate he is thus required to obtain, or to exhibit the same to the collector of any other district, to which the vessel may afterwards proceed, within the time prescribed.

Rev. Stats. sec. 2784.

**Art. 171.** Coasting papers must not be granted to a vessel having on board merchandise brought from a foreign port, unless it be wholly unladen and the duties paid or secured.

**Art. 172.** In the case of a vessel from a foreign port or place, compelled by stress of weather, or other necessity, to put into any other port or place than that of her destination, the master, or person in command or charge thereof, together with the mate or person next in command, within twenty-four hours after arrival, shall make protest, in the usual form, upon oath, before the collector of the district of arrival, or other person duly authorized, setting forth the causes or circumstances of such necessity.

The protest, if not made before the collector, must be produced to him and the naval officer, if any, at the port, and a copy thereof lodged with them.

If such master or other person in charge or command of the vessel so forced into port by distress, shall also make report to the collector within forty-eight hours after arrival, as in other cases, and if it shall be made to appear to the collector, by the certificate of the wardens of the port, or other officers accustomed to ascertain the condition of vessels arriving in distress, or if there be no such officers, by the certificate of two reputable merchants, to be named for that purpose by the collector, that it is necessary to unlade the vessel, the collector and naval officer, if any, will grant a permit therefor, and appoint an inspector to oversee the unloading and keep an account thereof, to be compared with the report of the master of the vessel; and the merchandise so unladen will be stored under custody of the collector.

At the request of the master or other person in command or charge of the vessel, or of the owner thereof, the collector, together with the naval officer where there is one, and alone where there is none, shall grant permission to enter and pay the duties on, and dispose of, such part of the cargo as may be of a perishable nature, or as may be necessary to defray the expenses attending the vessel and her lading.

And if the delivery of the cargo do not agree with the master's report, and the difference be not satisfactorily explained, the master or other person in command or charge of the vessel will become subject to the penalties provided in like cases by law.

The merchandise, or the residue thereof not so disposed of, may be reladen on board the vessel, under the inspection of the officer who superintended the landing, or other



proper officer, and the vessel proceed with the same to her place of destination, subject only to the charge for the storing and safe-keeping of the merchandise, and the fees to the officers, as in other cases.

Rev. Stats, sec. 2891.

**Art. 173.** When a vessel is prevented by ice from reaching her port of destination, the collector of the district where such vessel may be may receive the master's report and entry, and, with the consent of the naval officer, if any, may grant permit for the delivery of the cargo at such place in his district as he may deem most proper and convenient; but all the rules, regulations, restrictions, penalties, and provisions are as applicable to this case as if the unloading and delivery took place at the port of the vessel's destination.

Rev. Stats. sec. 2896.

**Art. 174.** In case a vessel is prevented from reaching her port of destination by other obstructions, as in consequence of the depth of water of the interior bay or river not being sufficient for the draught of the vessel, application should be made, through the collector, to the Secretary of the Treasury for permission to discharge the cargo at a convenient port or place, to be forwarded to its port of destination in one or more vessels, lighters, or other conveyances.

On receipt of such permission the cargo may be so forwarded, accompanied with manifests showing the part of the cargo, or the whole, as the case may be, so conveyed by the vessel or lighter, duly certified by the officer who superintended its transshipment from the importing vessel.

**Art. 175.** In case also of vessels wrecked in the waters of the United States, or prevented by marine casualty from proceeding to their ports of destination, application should be made to the Secretary of the Treasury by the original owners or consignees of the merchandise, or by the underwriters, in cases of abandonment to them, for permission to forward the goods saved from the wreck to the ports of destination in lighters or other conveyances, without entry at the custom house in the district in which the merchandise was cast ashore or unladen.

On receipt of such permission the merchandise may be so forwarded, accompanied with particular manifests thereof, duly certified by the customs officer who superintended or had custody of the goods.

Rev. Stats. sec. 2896.

**Art. 176.** If, after the arrival of any vessel, bound to the United States from a foreign port, within the limits of any collection district of the United States, or within four leagues of the coast thereof, any part of the cargo of such vessel shall be unladen before the vessel's arrival at the place where the whole or part of her cargo is to be discharged, and without authority therefor from the proper officers of the customs, the master or person in charge or command of such vessel and the person next in command shall respectively forfeit and pay the sum of one thousand (\$1,000) dollars for each such offense; and the merchandise so unladen and unshipped, except in the case of accident, necessity, or stress of weather, shall also be forfeited.

Rev. Stats. sec. 2367.

**Art. 177.** Where such unloading occurs by reason of unavoidable accident, necessity, or stress of weather, the master or other person in charge or command of the vessel, with two or more of the officers and mariners of the vessel, including the second in command, whom he shall duly notify, must make proof thereof, upon oath, before the chief customs officer of the district within which the casualty occurred, or before the chief customs officer of the first district at which such vessel shall afterwards arrive, if the casualty occurred within four leagues of the coast and without the limits of any collection district.

Rev. Stats. sec. 2367.

**Art. 178.** If the merchandise so unladen be put or received on any other vessel or boat, except in the case of accident, necessity, or stress of weather, to be notified and proved as above required, the master or person in charge or command of such vessel or boat, and every other person aiding or assisting, shall forfeit and pay treble the value of said merchandise, and such vessel or boat shall also be forfeited.

Rev. Stats. sec. 2368.

*Time allowed for discharge of cargo and compensation for overtime.*

**Art. 179.** Merchandise brought in a vessel from a foreign port or place cannot be unladen or delivered from such vessel within the United States but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector, and naval

officer, if any, nor at any time without a permit from the collector, and naval officer, if any.

But it is the duty of the collector of customs, with the concurrence of the naval officer, if there be one, of any port at which a steamship from a foreign port or place may arrive, upon or after the issuing of a general order, to grant, upon proper application therefor, a special license to unlade the cargo of the vessel at night, that is to say, between sunset and sunrise.

Before any such special license is granted; the master, agents, or consignees of the vessel are required to execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the said collector harmless from any and all losses and liabilities which may be occasioned by reason of the granting of such special license.

• Rev. Stats. secs. 2871, 2872.

**Art. 180.** When goods, wares, or merchandise remain on board a vessel after the legal time for discharging the same has expired, the collector may take possession thereof.

The time allowed in which to discharge the cargo of a vessel is as follows:

Vessels of less than three hundred tons, eight days.

Vessels of three hundred tons and less than eight hundred tons, twelve days.

Vessels of eight hundred tons and upwards, fifteen days.

The working days of a vessel are to be computed by excluding the days of arrival and entry, Sundays and legal holidays, and rainy days when cargo is not discharged.

Rev. Stats. secs. 2890, 2891, 2909.

**Art. 181.** All merchandise found on board at the expiration of these periods, not reported for some other district or a foreign port or place, must be taken possession of by the collector.

But with consent of the owner or consignee of such merchandise, or with consent of the owner or master of the vessel, the remaining cargo may be so taken possession of after one day's notice to the collector.

Rev. Stats. sec. 2968.

**Art. 182.** This limitation does not apply to vessels laden with salt or coal, requiring a longer time to discharge.

In such cases the collector may grant an extension of

time to discharge the cargo, upon a deposit with him by the master or owner of the vessel of a sum equal to the wages of the inspector in charge, for each day's service in excess of such limitation; and if, by reason of the delivery of the cargo in several districts, the limitation is exceeded, the compensation of the inspector in charge is to be paid for every day's excess; and before clearance shall be granted to such vessel, the inspector must render an account in duplicate of the amount due and payable, for the actual overtime, one copy to be delivered to the consignee or master of the vessel, and the other to be returned to the collector.

Merchandise imported in steam-vessels, appearing by bill of lading to be deliverable immediately after the entry of the vessel, may be at once taken possession of by the collector.

Rev. Stats. sec. 2881.

*Clearance of vessels to foreign ports.*

**Art. 183.** Before a clearance can be granted by the collector to a vessel bound to a foreign port or place, the owners, shippers, or consignors of the cargo on board of such vessel shall deliver to the collector manifests of the parts thereof shipped by them respectively, and verify the same by their oath or affirmation.

Such manifests must specify the kinds and quantities of the articles shipped by them respectively, the value of the total quantity of each kind of articles, and the destination thereof.

The oath or affirmation must state that the manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and of the foreign place or country in which the same is truly intended to be landed, and that the values of such articles are truly stated according to their actual cost, or the values which they truly bear at the port and time of exportation.

Rev. Stats. sec. 4200; Desty S. & A. § 6.

**Art. 184.** A clearance cannot be granted to a vessel bound to a foreign port or place until the master or person having charge thereof shall deliver to the collector of the district from which the vessel is about to depart a manifest of all the cargo on board the same, and the value

thereof, by him subscribed, and shall swear or affirm to the truth thereof.

The clearance granted by a collector for a vessel and her cargo need not specify the particulars thereof, unless required by the master or other person in charge or command of the vessel.

The form of the manifest will be as follows:

FORM No. 51.

*Outward foreign manifest.*

*Report and manifest of the cargo laden at the port of \_\_\_\_\_, on board the \_\_\_\_\_, whereof \_\_\_\_\_ is master, or conductor, bound for \_\_\_\_\_, \_\_\_\_\_, 18—.*

Marks. Numbers.	Packages and contents, or articles in bulk.	Quantities, pounds, gallons, &c.	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	To be landed at —
			Value of domestic merchandise.	Value of foreign merchandise, free.	Value of foreign merchandise from bonded warehouse.	Value of foreign merchandise not from bonded warehouse, which has paid duties.	Value of foreign merchandise on the passage in transitu from one foreign country to another.	

Column No. 1 should embrace all domestic merchandise, whether exported in bond under the internal revenue act or otherwise; also to include all manufactures from for-

sign products, such as cordage from foreign hemp, sugar refined from foreign sugar, and coffee and spices ground or adulterated.

Column No. 3 should embrace all foreign merchandise exported from bonded warehouse, duties remaining unpaid, or which, duties having been paid, are exported for benefit of drawback.

Column No. 4 should embrace all foreign merchandise on which the duties have been paid, which has left the custody of the officers of the customs, provided the condition of the merchandise has not been changed; if re-manufactured or adulterated, it becomes a domestic export, and must be classified as such under column No. 1.

Column No. 5 should embrace all foreign merchandise in transit, or entered for immediate exportation, and so declared upon the entry.

This manifest of cargo, should correspond in every particular with the shipper's manifests. (Article 183.)

Rev. Stats. sec. 4197; Desty S. & A. § 6.

**Art. 185.** This manifest of cargo must be verified by the oath or affirmation of the master, as follows:

FORM NO. 52.

*Oath of master to manifest on clearance for a foreign port.*

I, \_\_\_\_\_, master or commander of the \_\_\_\_\_, bound from the port of \_\_\_\_\_ to \_\_\_\_\_, do solemnly, sincerely, and truly swear or affirm that the manifest of the cargo on board the said \_\_\_\_\_, now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof, and the foreign places or countries in which the same are truly intended to be landed; and if any other goods, wares, or merchandise shall be laden or put on board the said \_\_\_\_\_ previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear or affirm that I verily believe the duties on all the foreign merchandise therein specified have been paid, or secured, according to law, and that no part thereof is intended to be reloaded within the United States, and that if, by distress, or other unavoidable accident, it shall become necessary to reload the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen.

\_\_\_\_\_, *Master.*

PORT OF \_\_\_\_\_:

Sworn [or affirmed] to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, \_\_\_\_\_, Collector.

Rev. Stats. sec. 4197; Desty S. & A. § 6.

**Art. 186.** The collector, before granting a clearance to a vessel bound on a foreign voyage, must satisfy himself, by comparison of the manifest and entries with the discharging officer's return, that the cargo imported in the vessel has been duly entered, or otherwise legally disposed of and accounted for.

Rev. Stats. sec. 2888.

**Art. 187.** And before a clearance can be granted to a vessel bound on a foreign voyage, or to a vessel engaged in the whale fishery, the master must deliver to the collector a list containing the names, places of birth and residence, and a description of the persons who compose his ship's company; to which list the oath or affirmation of the master shall be annexed, that the list contains the names of his crew, with the places of their birth and residence, so far as he can ascertain them; and the collector shall deliver to him a fair and certified copy of the list, in one uniform handwriting, without erasure or interlineation.

The master must also enter into bond, with sufficient security, in the sum of four hundred (\$400) dollars, that he will exhibit the aforesaid certified copy of the list to the first boarding officer, at the first port in the United States at which he shall arrive on his return thereto, and then and there produce the persons named therein to the boarding officer.

The list and bond will be as follows:

## FORM No. 53.

*Crew list.*

List of persons composing the crew of the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is master, bound for \_\_\_\_\_:

Name.	Place of birth.	Place of residence.	Of what country citizens or subjects.	Description of persons.			
				Age.	Height.	Complexion.	Color of hair.

I, \_\_\_\_\_, master of the said \_\_\_\_\_, do solemnly, sincerely, and truly swear or affirm that the within list contains the names of all the crew of the said \_\_\_\_\_, together with the places of their birth and residence, as far as I can ascertain the same.

PORT OF \_\_\_\_\_.

Sworn to (or affirmed) and subscribed this \_\_\_\_\_ day of \_\_\_\_\_ 18—, before me. \_\_\_\_\_, Collector.

## FORM No. 54.

*Crew bond.*

Know all men by these presents, that we, \_\_\_\_\_, master or commander of the \_\_\_\_\_ called the \_\_\_\_\_, now lying in the port of \_\_\_\_\_, and \_\_\_\_\_, are held and firmly bound unto the United States of America in the full and just sum of four hundred dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_.

Whereas the above bounden \_\_\_\_\_ hath delivered to the collector of the customs for the district of \_\_\_\_\_, in



the State of \_\_\_\_\_, a verified list, containing, as far as he can ascertain them, the names, places of birth, residence, and description of the persons who compose the company of the said \_\_\_\_\_, called the \_\_\_\_\_, now lying in the said port, of which he is at present master or commander, of which list the said collector has delivered to the said \_\_\_\_\_ a certified copy:

Now, the condition of this obligation is such, that if the said \_\_\_\_\_ shall exhibit the aforesaid certified copy of the list to the first boarding officer at the first port in the United States in which he shall arrive on his return thereto, and then and there also produce the persons named therein to the said boarding officer; except any of the persons contained in the said list who may be discharged in a foreign country, with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing under his hand and official seal, to be produced to the collector of the district within which he may arrive, as aforesaid, with the other persons comprising the crew, as aforesaid, or who may have died or absconded, or who may have been forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the said last-mentioned collector; then, and in such cases, the above obligation shall be void; otherwise, it shall abide and remain in full force and virtue.

\_\_\_\_\_. [SEAL.]  
 \_\_\_\_\_ [SEAL.]  
 \_\_\_\_\_ [SEAL.]

Sealed and delivered in the presence of—

\_\_\_\_\_.  
 \_\_\_\_\_.

Rev. Stats. sec. 4573; Desty S. & A. § 124.

**Art. 188.** The master of every ship bound from a port in the United States to a foreign port, or of any ship of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, except of a vessel where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, or the master of a coastwise or lake-going vessel that touches at foreign ports, or is engaged in trade between the United States and British North American possessions, or the West India Islands, or the Republic of Mexico, must, before a clearance can be granted, obtain the certificate of the collector of customs to the duplicate of the agreement in writing or in print, with his seamen, entered into before a shipping commissioner, or other person authorized by law to act as such.

The masters of vessels embraced in the foregoing exceptions, although not required to enter into agreements with their seamen before a shipping commissioner, must, however, before a clearance for a foreign voyage can be granted, obtain from the collector of the district a true and certified copy of the shipping articles, containing the names of the crew, to be written in a uniform hand, without erasures or interlineations.

The copies thus obtained shall be deemed to contain all the conditions of the contract with the crew.

Rev. Stats. secs. 4511, 4512; Desty S. & A. § 145.

**Art. 189.** Bills of health, when required by him, will be given to the master of a vessel bound on a foreign voyage, together with a correct and duly certified copy of the outward manifest, when so required, the regulations of some foreign nations requiring such copies, certified by their consuls, respectively, residing at the port of departure, in cases of shipments to their ports.

**Art. 190.** A clearance must not be granted to a vessel having on board goods liable to inspection under the laws of the State in which the collector or other officers of the customs may act, until the master or other proper person produces, if so required by the laws of the State, the certificate of inspection and receipts for the payment of legal fees accruing on the vessel.

Rev. Stats. sec. 4197; Desty S. & A. § 6.

**Art. 191.** A vessel of the United States, bound from a port in the United States to a foreign port, or *vice versa*, is required, before clearance, to receive on board all such mails as the Post Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad, shall offer; and also all such coin, bullion, United States notes and bonds, and other securities as the government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer; and securely convey and promptly deliver the same to the proper authorities, or consignees, on arriving at the port of destination, for which a reasonable compensation shall be paid.

Rev. Stats. sec. 4203, 4204.

**Art. 192.** But a vessel departing from the United States for a foreign port cannot receive or convey any letters or other packets originating in the United States which have not been regularly posted at, and received from, the post

office at the port of departure, except letters or letter packets relating to the cargo and addressed to the owner or consignee of the vessel, and letters or letter packets enclosed in United States stamped envelopes of sufficient denomination to cover the postage.

And it is the duty of the collector or other officer to require from the master, as a condition of clearance, an oath or affirmation that he has not under his care, or within his control, and will not receive or convey any letters or letter packets in violation of this provision; such oath or affirmation to be in the following form:

FORM No. 55.

*Master's oath as to letters on clearing.*

I, \_\_\_\_\_, master of the \_\_\_\_\_, solemnly swear (or affirm) that I have not received on board said vessel, and have not under my care or within my control, and that I will not receive and convey, any letters or letter packets, addressed to any foreign country, which have not been delivered to me from the post office, except such as relate to the cargo, and are addressed to the owner or consignee of said vessel, or such as are enclosed in a United States stamped envelope of a denomination sufficient in amount to cover the United States postage legally chargeable thereon, if the same had been posted and transmitted by the regular mail. \_\_\_\_\_, *Master.*

PORT OF \_\_\_\_\_.

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

\_\_\_\_\_, *Collector.*

Rev. Stats. sec. 4198; Desty S. & A. § 6.

**Art. 193.** The form of a clearance to be granted to a vessel on her departure to a foreign port or place shall be as follows:

FORM No. 56.

*Clearance of vessel to a foreign port.*

DISTRICT OF \_\_\_\_\_.

*Port of* \_\_\_\_\_.

These are to certify all whom it doth concern that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burden \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, \_\_\_\_\_ built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law.

Given under our hands and seals at the custom house of \_\_\_\_\_, this \_\_\_\_\_ of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the independence of the United States of America. \_\_\_\_\_, *Collector.*  
\_\_\_\_\_ \_\_\_\_\_, *Naval Officer.*

Rev. Stats. sec. 4201; Desty S. & A. § 6.

**Art. 194.** If a vessel bound to a foreign port shall depart without the delivery of the manifest by the master or commander to the collector, and obtaining from him a clearance, as aforesaid, such master or commander shall forfeit and pay five hundred (\$500) dollars.

The list of fees chargeable by consuls, required by law to be attached to the clearance, should, for convenience, be printed on the blank forms of clearance.

Rev. Stats. sec. 4197; Desty S. & A. § 6.

**Art. 195.** Collectors of the customs are required by law to detain any vessel manifestly built for warlike purposes and about to depart from the United States with a cargo consisting principally of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give bond and security, in double the value of the vessel and cargo, that she will not be so employed.

Rev. Stats. sec. 5290.

**Art. 196.** Upon compliance by the master or owner of a vessel with the provisions of these regulations with respect to clearance, the collector will deliver to the master or commander, with the clearance, the vessel's register and other papers lodged with him, on the entry.

## CHAPTER II.

**COASTING TRADE ON THE SEA-COAST  
AND NAVIGABLE RIVERS—THE  
FISHERIES.***Coasting districts and clearance of vessels.*

**Art. 197.** The sea-coast of the United States is divided into five great coasting districts.

The first embraces the collection districts on the sea-coast and navigable rivers between the eastern limits of the United States and the southern limits of Georgia.

The second includes the harbors, ports, sea-coast, and navigable rivers between the southern limits of Georgia and the river Perdido.

The third comprehends the sea-coast and navigable rivers between the river Perdido and the Rio Grande.

The fourth includes the Pacific coast of the United States south of Alaska.

The fifth comprises the Territory of Alaska.

Rev. Stats. secs. 4348, 4358.

**Art. 198.** A vessel of twenty tons burden or upwards, licensed for the coasting trade, bound from one collection district to another within the same great coasting district, or between a State in one and an adjoining State in another great district; or a vessel of less than twenty tons burden, licensed for the coasting trade, bound from a collection district in one State to a collection district in the same or an adjoining State on the sea-coast or navigable waters of the United States; in ballast or having on board goods, wares, or merchandise of the growth or product of the United States only, except distilled spirits, or distilled spirits not exceeding 500 gallons, or wine in casks not exceeding 250 gallons, or wine in bottles not exceeding 100 dozens, or sugar in casks or boxes not exceeding 3,000 pounds, or tea in chests or boxes not exceeding 500 pounds, or coffee in casks or bags not exceeding 1,000 pounds, or foreign merchandise in packages, as imported, not exceeding in value four hundred (\$400) dollars, or foreign merchandise of any kind, including any or all of the

articles before mentioned, the aggregate value of which does not exceed eight hundred (\$800) dollars, the duties upon which have been paid or secured, may proceed from one place to another, within the limits aforesaid, without delivering a manifest thereof or obtaining from any officer of the customs a permit to depart.

In all cases, however, where any cargo is on board, the master is to be provided with a manifest subscribed by himself substantially in the form following:

## FORM No. 57.

*Coastwise manifest.*

*Manifest of the whole cargo on board the \_\_\_\_\_, \_\_\_\_\_  
master, burden \_\_\_\_\_ tons, bound from \_\_\_\_\_ for \_\_\_\_\_,  
\_\_\_\_\_, 18—.*

Marks and numbers.	Number of entries.	Packages and contents.	Shippers.	Residence.	Consignees.	Residence.

\_\_\_\_\_, *Master.*

The master of such vessel is also exempted from making report or entry on his arrival at a port or place within the limits aforesaid; he may, however, be required by any officer of the customs to exhibit the manifest subscribed by himself, and to give true information from whence the vessel last sailed, and, if in port, when she arrived.

Rev. Stats. sec. 4359.

**Art. 199.** The master of a vessel of the burden of twenty tons or upwards, licensed for the coasting trade, bound from one collection district to another within the same great coasting district, or from a State in one to an adjoining State in another great coasting district; or of a

vessel of less than twenty tons burden, licensed for the coasting trade, bound from a collection district in one State to a collection district in the same or an adjoining State, on the sea-coast or navigable waters of the United States, having on board any of the articles of foreign growth or manufacture, or distilled spirits, exceeding the quantities or value before mentioned, or any or all of said articles, exceeding in the aggregate eight hundred (\$800) dollars in value, must, previous to the departure of the vessel, make out and subscribe duplicate manifests of the whole cargo on board.

If there be a collector of the customs or surveyor within five miles of the port where the vessel may be, the said master must present such manifest to him and make oath to the truth thereof, and that the duties on the foreign articles have been paid or secured, according to his best knowledge and belief.

The form of the oath or affirmation to be endorsed on the manifest will be as follows:

FORM No. 58.

*Oath of master to manifest on clearance coastwise.*

I, \_\_\_\_\_, master (or commander) of the \_\_\_\_\_ called the \_\_\_\_\_, of \_\_\_\_\_, do swear (or affirm) to the truth of this manifest, and that, to my best knowledge and belief, all the goods, wares, and merchandise of foreign growth or manufacture therein contained, were legally imported, and that the duties thereon have been paid, or secured, according to law. \_\_\_\_\_

The duplicate manifests will then be certified by the collector or surveyor and one of them returned to the master with a permit thereon to depart, which permit shall be in the following form:

FORM No. 59.

*Coastwise clearance and permit.*

PORT OF \_\_\_\_\_, DISTRICT OF \_\_\_\_\_,  
\_\_\_\_\_, 18\_\_.

\_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, having \_\_\_\_\_, as the law directs, to the within manifest, consisting of \_\_\_\_\_ articles of entry, and delivered a duplicate thereof, permission is hereby granted to the said \_\_\_\_\_ to proceed to the port of \_\_\_\_\_, in the State of \_\_\_\_\_.

Given under my hand at \_\_\_\_\_, the day and year above mentioned. \_\_\_\_\_, Collector, (or Surveyor.)

If the vessel have passengers on board, and is subject to the requirements of Articles 254-5, she cannot depart until a departure permit has been granted, according to Form No. 70.

Rev. Stats. secs. 4348, 4349, 4350.

**Art. 200.** On arrival of such vessel at the port of destination within the limits described in Article 198, if there be a collector or surveyor within five miles thereof, the master must, before unloading any part of his cargo, exhibit to said collector or surveyor the certified manifest before mentioned, or, if no certified manifest was obtained by reason of there being no collector or surveyor residing within five miles of the place of departure, then he must produce the duplicate manifest before mentioned, to the truth of which he must make oath or affirmation according to the following form:

FORM NO. 60.

*Oath of master to manifest on entry coastwise.*

I, \_\_\_\_\_, master (or commander) of the vessel called the \_\_\_\_\_, of \_\_\_\_\_, do swear (or affirm) that the certified manifest (or the duplicate manifests, if such be the case) which I now exhibit contains a true account of the articles composing the whole cargo of the said \_\_\_\_\_, which now are or at any time have been on board the said \_\_\_\_\_ from the time of her departure from the port of \_\_\_\_\_, from whence she first sailed, excepting \_\_\_\_\_, and that no part thereof has been landed therefrom excepting \_\_\_\_\_.

Rev. Stats. sec. 4351; Desty S. & A. § 28.

**Art. 201.** If goods shall have been taken on board or landed after the departure of the vessel with certified or duplicate manifests, the particulars thereof must be made known and declared on oath; which being done, a permit for unloading the cargo will be granted, according to the following form:

FORM NO. 61.

*Coastwise permit to land goods.*

DISTRICT OF \_\_\_\_\_, PORT OF \_\_\_\_\_,  
\_\_\_\_\_, 18\_\_.

*To the Inspectors of the Port:*

\_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, having produced \_\_\_\_\_ manifest of the cargo on board the said



vessel, permission is hereby granted to land \_\_\_\_\_, being \_\_\_\_\_ of said cargo.

Collector, (or Surveyor.)

Rev. Stats. secs. 4351, 4352; Desty S. & A. § 28.

**Art. 202.** If there be no collector or surveyor residing within five miles of the port of arrival, the master may unlade his cargo; but he must deliver to the collector or surveyor of the first port at which he afterwards arrives, and within twenty-four hours of his arrival, the certified manifest or duplicate manifests before mentioned, and must note thereon the time when, and the place where, the cargo was discharged, to the truth whereof he must make oath.

Rev. Stats. secs. 4351, 4352; Desty S. & A. §§ 6, 28.

**Art. 203.** The master of every vessel of the burden of twenty tons or upwards, licensed for the coasting trade, bound from one to another great coasting district, except from a State in one to an adjoining State in another great coasting district, or of a registered vessel bound from one collection district to another collection district, or of a vessel of less than twenty tons burden, licensed for the coasting trade, bound to any collection district other than a collection district in the same or an adjoining State, on the sea-coast or navigable waters of the United States, must, previously to his departure, deliver to the collector residing at the port, or, if there be no collector at such port, to the collector of, or a surveyor residing within, the district nearest to the port where the vessel may be, duplicate manifests of the cargo on board such vessel, to which he must make oath or affirmation according to Form No. 58.

If there be no cargo or lading, other than sea stores, on board such vessel, the master or commander must make oath or affirmation that such is the case.

The collector or surveyor will then certify the manifests, and grant a permit as in the preceding case; or if there be no cargo, and the master make oath or affirmation of the fact, the collector or surveyor will grant a permit according to the following form:

FORM NO. 62.

*Coastwise clearance and permit without cargo.*

DISTRICT OF \_\_\_\_\_, PORT OF \_\_\_\_\_,  
\_\_\_\_\_, 18\_\_.

\_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, having \_\_\_\_\_, as the law directs, that there are not laden on board

DESTY C. & N.—30.

the said ——— any articles or cargo whatever, other than sea stores, permission is hereby granted to the said ——— to proceed from ——— to ———, in the district of ———, and State of ———.

*Collector, (or Surveyor.)*

Rev. Stats. secs. 4353, 4354, 4361; Desty S. & A. §§ 6, 23.

**Art. 204.** On arrival of a vessel at the port of her destination, the master thereof must, within twenty-four hours thereafter, deliver to the collector residing at the port of arrival, if there be one, or to a collector or a surveyor within the district, if either reside within five miles of the port, or within forty-eight hours after his arrival if there be no collector or surveyor residing within five miles, before unlading any part of the cargo, a certified manifest of the whole cargo on board, to the truth of which he must make oath according to Form No. 60.

The collector or surveyor at the port of arrival will thereupon grant a permit for unlading a part or the whole of such cargo, as may be requested; but in case a part only of the cargo is discharged, the collector or surveyor will endorse the articles so discharged on the manifest, and will grant a permit to the master to proceed with the vessel to the place of her further destination.

If there be no cargo on board, the master must produce the coastwise clearance and permit (Form No. 62) granted by the collector or surveyor at the port of departure.

Rev. Stats. secs. 4355, 4356; Desty S. & A. § 23.

**Art. 205.** In case a vessel employed in transporting goods coastwise shall put into a port other than the one to which she is bound, the master must, within twenty-four hours after his arrival, if he continue so long, report to the collector his arrival, the place whence he came, and whither he is bound, with an account of the lading on board his vessel.

Rev. Stats. sec. 4366.

**Art. 206.** In case the master of a vessel employed in the coasting trade having on board goods of foreign growth or manufacture, or distilled spirits, shall have lost or mislaid the certified manifest of his cargo, or the permit received from the collector or surveyor of the district from which he departed, he must give bond for the payment, within six months, of the duties on the articles of foreign growth or manufacture, or distilled spirits, as though the articles had been imported from a foreign country.

The bond may, however, be cancelled within six months, on producing a certificate from the collector or surveyor of

the district from whence the vessel sailed, that such articles were legally exported in such vessel from said district.

The bond will be in the following form:

FORM No. 63.

*Bond in case of loss of manifest.*

Know ye, that we, \_\_\_\_\_, master of the \_\_\_\_\_, called the \_\_\_\_\_, of \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, are held and firmly bound unto the United States of America in the sum of \_\_\_\_\_; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.

The condition of the foregoing obligation is such, that whereas the above-bounden \_\_\_\_\_ has imported into the district of \_\_\_\_\_, in the said \_\_\_\_\_, sundry goods, wares, and merchandise, of foreign growth and manufacture, (or distilled spirits,) the duties upon which are found to amount to \_\_\_\_\_; and whereas it is suggested that the said articles were imported coastwise from \_\_\_\_\_, in the district of \_\_\_\_\_, and that the duties thereon have been already paid or secured; and, also, that the certified manifest and permit which were obtained, and which ought to accompany the same, have been lost or mislaid. Now, if the above-bounden \_\_\_\_\_ shall, within six months from the date hereof, produce to the collector of the customs for the district of \_\_\_\_\_, a certificate from the collector or surveyor, at the port of \_\_\_\_\_, in the district of \_\_\_\_\_, that the said articles were exported from the said port of \_\_\_\_\_, pursuant to the regulations prescribed by law, then this obligation shall be void and of no effect; but otherwise it shall remain in force. \_\_\_\_\_ [SEAL.]  
\_\_\_\_\_ [SEAL.]

Signed, sealed, and delivered in presence of—  
\_\_\_\_\_.

If the bond is not cancelled promptly, it should be reported for suit.

**Art. 207.** Surveyors, who certify manifests, or grant permits, or who receive manifests or permits, are to make returns thereof at least once in each month to the collectors of their respective districts.

Rev. Stats. sec. 4332.

**Art. 208.** A registered steamship or other vessel may engage in trade between one port of the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, landing and taking in thereat merchandise, passengers, and their baggage, letters and mails; but such vessel must be furnished by the collector of the port in the United States at which she takes in her cargo with a certified manifest, containing the marks and numbers of packages, the name of shipper, consignee, and port of delivery, designating the goods entitled to drawback or to be warehoused.

Rev. Stats. sec. 3126.

**Art. 209.** Vessels so employed, and their cargoes, are subject to the provisions of the revenue and collection laws on arrival in a port in the United States, and their masters or commanders must, on arrival from a foreign port, conform to the laws regulating the delivery of manifests of cargo and passengers taken on board at the foreign port, as well as those regulating report and entry of vessels from foreign ports, and are subject to the penalties therein prescribed.

But merchandise taken in at one port in the United States, to be so conveyed to another port within the same, under the provisions of the warehousing laws, as well as foreign duty-paid goods, are not to be held subject to duty by reason of the vessel having touched at a foreign port during the voyage.

**Art. 210.** Goods, wares, or merchandise cannot be carried, under penalty of forfeiture, from one port of the United States to another port within the same, in a vessel belonging wholly or in part to a subject of any foreign power, except for the purpose of unloading the cargo from the importing vessel, or of proceeding in ballast, or with a part of her outward cargo from one port of the United States to another, to complete such cargo.

Rev. Stats. sec. 4347.

#### *The fisheries.*

**Art. 211.** The master of a vessel licensed for carrying on the fisheries, who may intend to touch or trade at a foreign place, must apply to the collector of the district where such vessel may be previous to her departure, and obtain a permit for that purpose, in the following form:

## FORM No. 64.

*Permit to touch and trade.*

## UNITED STATES OF AMERICA.

DISTRICT OF \_\_\_\_\_, PORT OF \_\_\_\_\_,  
\_\_\_\_\_, 18—.

Permission is hereby granted to \_\_\_\_\_, master of the \_\_\_\_\_, named the \_\_\_\_\_, of \_\_\_\_\_, burden \_\_\_\_\_, which \_\_\_\_\_ was licensed for carrying on the \_\_\_\_\_ fishery by \_\_\_\_\_, collector for the district of \_\_\_\_\_, in the State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, to touch and trade at any foreign port or place during her voyage presently to be made.

Given under \_\_\_\_\_ hand and seal, the day and year above mentioned. \_\_\_\_\_, *Collector.*  
\_\_\_\_\_, *Naval Officer.*

Such vessels, on arrival in the United States, must make regular entry, and be in all respects subject to the regulations prescribed for vessels arriving from foreign ports.

Foreign goods or merchandise imported in vessels so licensed under said permits are of course liable to the payment of duties under the usual regulations.

Vessels licensed for the fisheries, found within three leagues of the coast, with foreign goods of greater value than five hundred (\$500) dollars, and without such permit, are, with such goods, forfeited.

Rev. Stats. secs. 4364, 4365.

**Art. 212.** Commercial intercourse with the Guano Islands that are bonded in pursuance of law forms a part of the coasting trade of the United States, and the laws relative thereto forbid foreign vessels from engaging therein.

Vessels engaged in the guano trade are not required to produce clearances or certified manifests from the islands, there being no customs officers stationed thereat. But masters of such vessels will be required to have manifests of the cargo, subscribed by themselves, and to exhibit the same, on demand, to officers of the customs for inspection. Entry at the custom-house must be made on arrival at the port of destination in the United States, and the cargo carefully inspected by the customs officers.

Rev. Stats. secs. 5574, 5575.

**Art. 213.** Collectors of customs are instructed to refuse clearance to all vessels having on board distilled spirits for ports, places, or islands within the territory and collection district of Alaska.

Vessels clearing for any port or place, intending to touch, trade, or pass within the waters of Alaska, with distilled spirits or fire-arms and ammunition on board, are required to execute and deliver to the collector of customs at the port of clearance a good and sufficient bond in double the value of the articles so laden, conditioned that such spirits, or any part thereof, shall not be landed upon or disposed of within the Territory of Alaska, or that such arms or ammunition, or any part thereof, shall not be landed, disposed of, or used, upon either the islands of St. Paul or St. George, in said district.

**Art. 214.** Certain penalties and forfeitures are imposed by law upon vessels engaged in trading between district and district, or between different places in the same district, without the legal papers authorizing such employment.

These penalties extend to all vessels, except such as are registered, employed in the coasting trade or fisheries without a license in force, except vessels whose licenses have expired while at sea or while passing from one district or place to another.

Rev. Stats. secs. 4371, 4372.

**Art. 215.** Vessels documented with certificates of registry, for the purpose of engaging in the whale fishery, have the privileges and exemptions of vessels enrolled and licensed for the fisheries.

Rev. Stats. sec. 4339; Desty S. & A. § 7.

**Art. 216.** Vessels of the United States, bound from port to port in the United States, must, before clearance, receive on board all such bullion, coin, United States notes, and bonds and other securities as the Government of the United States or any department thereof shall offer, and must securely convey and promptly deliver the same to the proper authorities or consignees on arriving at the port of destination, for which service they will receive reasonable compensation according to law.

Rev. Stats. sec. 4204.

*Trade between Atlantic and Pacific ports.*

**Art. 217.** All merchandise, other than in bond, shipped coastwise between the Atlantic and Pacific ports of the United States by way of Aspinwall and Panama, or *vice versa*, is required to have a special manifest, in addition to the general manifest of the master, in triplicate, prepared at the custom-house, accurately describing the character of the merchandise by marks, numbers, and general description of the goods, and certified by the collector under his hand and official seal.

One of the triplicate copies must be placed on file by the collector at the port of departure, one given to the master or agent to accompany the goods, and the third sent by mail to the collector at the port of destination.

Suitable accommodations at both ends of the route, and at the respective termini of the Panama railroad, for the convenience of the customs officers, and for the safety of the merchandise, must be provided.

**Art. 218.** On arrival of the goods at the port of destination the packages will be examined by officers of customs and carefully compared with the marks and numbers on the manifest, and carefully checked on the manifest before delivery to the consignee.

**Art. 219.** All goods so shipped, and not in bond, and not corresponding with the manifest, will be held for duty.

Baggage of passengers may be manifested in this manner.

Records will be kept by collectors of customs of all merchandise of this character shipped and received.

**Art. 220.** Goods in bond must not appear on the special manifests.

Special inspectors of customs are stationed at Aspinwall and Panama, charged with the special duty of examining all merchandise in transit across the territory of the Isthmus, between the Atlantic and Pacific ports of the United States, and of supervising the lading and unlading thereof, and of preventing the perpetration of frauds upon the public revenue by means of such traffic.

They are also required to report at the close of each month to the Secretary of the Treasury what merchandise has passed under their inspection during the month, dis-

tinguishing merchandise in bond from that of foreign origin and duty-paid, and that of the growth, production, or manufacture of the United States, whence shipped, and its destination.

Rev. Stats. sec. 2999.

**Art. 221.** The special manifests herein prescribed must be presented to the inspectors of customs stationed on the Isthmus for their examination and certificate of such fact thereon.

**Art. 222.** Such inspectors are required, before entering upon duty, to take an official oath, in the following form:

FORM NO. 65.

*Oath of special inspector.*

I, \_\_\_\_\_, having been appointed special inspector of the customs, under the 5th section of the act of March 28, 1854, to reside at \_\_\_\_\_, in \_\_\_\_\_, do solemnly, sincerely, and truly swear that I will diligently and faithfully perform the duties of said office, and will use my best endeavors to prevent and detect frauds upon the revenue of the United States.

I do further swear that I will support the Constitution of the United States. \_\_\_\_\_

Subscribed and sworn (or affirmed) to before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

They are also required to communicate such information or make such suggestions respecting the commerce between the Atlantic and Pacific ports of the United States as may tend to the better security of the revenue, and to promptly inform collectors of customs at ports where they discover that frauds have been or may be committed.



## CHAPTER III.

**TRADE ON THE NORTHERN FRONTIERS.**

*Vessels trading on the waters of the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea.*

**Art. 223.** The master of every vessel enrolled and licensed to engage in the coasting and foreign trade on the northern, northeastern, and northwestern frontiers of the United States, shall, before the departure of his vessel from a port in one collection district to a port in another collection district, present to the collector, at the port of departure, duplicate manifests of his cargo, or if he have no cargo, duplicate manifests setting forth that fact, which manifests shall be subscribed and sworn or affirmed to by the master before the collector, who shall endorse thereon his certificate of clearance, retaining one for the files of his office and deliver the other for the use of the master.

And in case such vessel shall touch at an intermediate port in the United States, and there discharge cargo taken on board at an American port, or at such intermediate port shall take on board cargo destined for an American port, the master of such vessel will not be required to report such lading or unlading at such intermediate port, but shall enter the same on his manifest obtained at the original port of departure, which he shall deliver, within twenty-four hours after arrival, to the collector of the port at which the unlading of the cargo is completed, and will subscribe and make oath or affirm as to the truth and correctness of the same.

Rev. Stats. sec. 3116.

**Art. 224.** The master of such vessel shall, before departing from a port in one collection district to a place in another collection district where there is no custom-house, file his manifest and obtain a clearance in manner aforesaid, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs of the port at which the vessel next arrives, after leaving the place of destination named in said clearance.

Rev. Stats. sec. 3118.

**Art. 225.** The master of such vessel destined, with cargo, from a place in the United States at which there may be no custom-house to a port where there may be a custom-house, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port or place, to the truth of which manifest he will make oath or affirmation before such officer; but if the vessel have no cargo, the master is not required to deliver a manifest.

Rev. Stats. sec. 3122.

**Art. 226.** The master of a vessel departing from any port in a collection district to another port in the same district, or to a place in the same district where there is no custom-house, will, before departing, file a duplicate manifest of his cargo with the collector and obtain a clearance.

And if such vessel shall touch at any intermediate ports and there receive on board any merchandise, or discharge any portion of the cargo, the master, or manager, will report such arrival to the collector of such port, and produce his manifest, and such collector will endorse thereon, certified by himself, a description of the merchandise so received or discharged, and return the same to the master or manager, who will deliver to the collector of any port at which the unloading of the cargo is completed the manifests endorsed as aforesaid, to be placed on file in his office.

Rev. Stats. sec. 3118.

**Art. 227.** The master of a vessel departing from a place in one collection district where there is no custom-house to a place in another collection district, where there is no custom-house, will be provided with a manifest, by him subscribed, of the lading of what kind soever on board at the time of his departure from the district from which he last sailed; and if the same or any part of such lading consist of distilled spirits, or merchandise of foreign growth or manufacture, specifying the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each; which manifest shall be by him exhibited for the inspection of any officer of the revenue, when by such officer thereunto required.

But if laden with distilled spirits greater in quantity than 500 gallons; wine in casks exceeding 250 gallons, or

in bottles exceeding 100 dozens; sugar in casks or boxes exceeding 3,000 pounds; tea in chests or boxes exceeding 500 pounds; coffee in casks or bags exceeding 1,000 pounds; or foreign merchandise, in packages as imported, exceeding in value four hundred (\$400) dollars; or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred (\$800) dollars, such vessel must clear from some port in the district of departure.

Rev. Stats. sec. 3118.

**Art. 228.** The master of a vessel with cargo, passengers, or baggage from any foreign port or place must obtain a permit from the collector and comply with existing laws before discharging or landing the same, or any portion thereof; and merchandise, destined for any foreign port, must be reported as the law directs; but no permit will be required for the unloading of cargo brought from an American port.

Rev. Stats. sec. 3121.

**Art. 229.** Steam tugs, duly enrolled and licensed, when exclusively employed in towing vessels, are not required to report and clear at the custom-house; but when such steam tugs are employed in towing rafts or other vessels without sail or steam motive power, not required to be enrolled or licensed under existing laws, they must report and clear in the same manner as other vessels.

A vessel used exclusively as a ferry-boat between the United States and foreign contiguous territory, however laden, is not required to enter and clear, and the master or person in command thereof is not required to present manifest, nor to pay entrance and clearance fees, nor fees for receiving and certifying a manifest.

But such master is required to report, on arrival, to the proper officer of the customs any baggage or merchandise which may be imported in such boats from a foreign territory.

Canadian vessels making two trips daily or semi-weekly trips to United States ports are not considered as entitled to the exemption of ferry-boats.

The master of every vessel neglecting or failing to comply with any of the provisions or requirements aforesaid is liable to a penalty of twenty (\$20) dollars.

Rev. Stats. secs. 3123, 3125.

**Art. 230.** Merchandise taken from any port or place in the United States, on said frontiers, to a port or place in another collection district of the United States on the said frontiers, in any ship or vessel, cannot be unladen or delivered from such ship or vessel within the United States except in open day, that is to say, between the rising and the setting of the sun, unless by special license from the collector or other principal officer of the port for the purpose, nor at any time without a permit from such collector or other principal officer for such unloading or delivery.

And the owner or owners of every vessel whose master or manager shall neglect to comply with these provisions shall forfeit and pay to the United States a sum not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars.

Rev. Stats. sec. 3120.

**Art. 231.** Vessels engaged in the coasting trade between ports and places on Lake Michigan exclusively, and laden with American productions and free merchandise only, may unlade without previously obtaining a permit.

Rev. Stats. sec. 3120.

**Art. 232.** If any merchandise shall be laden at any port or place in the United States on the said frontiers, upon any vessel belonging wholly or in part to a subject or subjects of a foreign country or countries, and shall be taken thence to a foreign port or place, to be reladen and reshipped to any other port or place in the United States on said frontiers, either by the same or any other vessel, foreign or American, with intent to engage in the coastwise trade of the United States, such merchandise shall, on arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of fifty cents per ton on her admeasurement.

Rev. Stats. secs. 3110, 4347; Desty S. & A. § 26.

**Art. 233.** The master of any foreign vessel laden or in ballast arriving in the waters of the United States, from any foreign territory adjacent to the said frontiers, must report at the office of the collector or deputy collector of customs nearest the point at which such vessel enters the United States waters, and present her clearance and manifest; and such vessel shall not proceed farther inland, either to take or unlade cargo, without a special permit from such collector or deputy, to be endorsed upon her clearance or manifest.

For violation of this provision such vessel becomes liable to forfeiture.

Rev. Stats. sec. 3109.

**Art. 234.** All vessels from any foreign contiguous territory, with cargo, must be actually unladen at the port of first arrival in the United States, in order to the inspection, entry, and appraisement of such cargo, if not duly corded and sealed, or an inspector placed on board at such port, at the request of the master, owner, or consignee of the cargo, and at his expense, who shall accompany the vessel to the place of destination, and if it be in another district, deliver her to the collector thereof, or, if it be in the same district, superintend the unloading and inspect the cargo.

Rev. Stats. sec. 3100.

**Art. 235.** The master of every vessel of the United States on the waters of the said frontiers, touching at a foreign port or place, who shall purchase there any goods for the use of such vessel, shall report the same as "sea stores," with cost and quantity thereof, to the collector or other officer of the customs at the first port of the United States in which the vessel shall next arrive, and shall declare under oath that the articles are truly intended for the exclusive use of such vessel, and not for sale, transfer, or private use.

If the collector deem the quantities not excessive he will pass them as sea stores, otherwise duty must be paid on the excess, under penalty of fine or imprisonment.

If any such articles are found on board not covered by such report, or if any part thereof be landed without a permit, they, with the vessel, her tackle, apparel, and furniture, will be forfeited. Articles so purchased for sale on board such vessel, as saloon stores or supplies, are dutiable, and must be duly entered as such, under penalty of fine and imprisonment.

Rev. Stats. secs. 3111-13.

**Art. 236.** Every vessel enrolled and licensed to engage in the foreign and coasting trade on the said frontiers, or intended to be employed in such trade, and purchasing equipments, or having repairs made in a foreign country, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of fifty per centum on the cost of such equipments, including boats and expenses for repairs made, in such foreign country; and if the owner or own-

ers or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited, unless they shall furnish to the Secretary of the Treasury good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into a foreign port and purchase such equipments, or make such repairs, to secure the safety of the vessel and enable her to reach her port of destination.

Rev. Stats. secs. 3114, 3115.

**Art. 237.** Collectors of customs on the said frontiers are authorized to keep on sale at their several offices blank manifests and clearances, and to charge therefor the sum of ten cents for each blank, and no more.

Rev. Stats. sec. 2648.

*Regulations of the frontier trade, by land or small boats.*

**Art. 238.** On the arrival of any boat of less than five tons burden, or of any railway or other carriage or vehicle on said frontiers from foreign territory, the master, conductor, or other person in charge will be required to produce to the collector or deputy collector at the first port of entry on the frontier a manifest of all the merchandise brought into the United States on such boat, carriage, or vehicle, and make oath or affirmation thereto in the manner prescribed by law. This manifest and oath or affirmation will be according to the following form. viz:

## FORM NO. 66.

*Manifest of goods in boat of less than five tons.*

*Report and manifest of merchandise laden on board the cars (or other vehicle or boat, specifying it,) of ———, whereof ——— is conductor, (or driver, or master, or as the case may be,) which merchandise was taken on board at the places severally specified, viz :*

Number of car, or description of vehicle or boat.	Marks.	Numbers.	Description of packages and contents.	Where taken on board.	By whom forwarded.	To whom consigned.	Place of consignee's residence.	Place of destination.

I, ———, do solemnly swear (or affirm) that the report and manifest subscribed with my name, as now delivered by me to the collector or deputy collector of the port of ———, contains, to the best of my knowledge and belief, a just and true account of all the goods, wares, and merchandise, including packages of every kind whatsoever, which constitute the contents or lading of said car, (or other vehicle,) and that the said manifest contains a just and true account of the lading of said car (or other vehicle) when the same first arrived within the limits of the United States, and that I have been since the arrival of said car (or other vehicle) within the United States, the conductor of said car, (or in charge of said vehicle,) and that no package whatsoever, nor any goods, wares, or merchandise, have been taken out, unladen, or in any way removed from said car (or other vehicle) since its arrival within the United States.

And I further swear (or affirm) that if I shall hereafter discover or know of any other or greater quantity of goods, wares, or merchandise of any nature or kind whatsoever, than are contained in the report and manifest subscribed and now delivered by me, I will immediately, and without delay, make due report thereof to the collector of the port of \_\_\_\_\_.

Sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, \_\_\_\_\_, Collector, (or Deputy Collector.)

Rev. Stats. sec. 3100.

**Art. 239.** The merchandise having been duly entered, and the duties on the declared value paid, or bond given for warehousing, the collector or deputy collector, acting as appraiser, will proceed to make a careful examination and appraisement of the same, according to the requirements of law and regulations.

Should it be impracticable, for want of requisite information, or for other cause, to make such appraisement immediately, the merchandise will be detained until such appraisement is completed, unless the importer, consignee, or agent shall give the bond required by law, when the packages designated for examination only will be detained, and the balance of the importation may be permitted to go forward.

But no goods will be allowed to leave the custody of the revenue officers until the duties have been definitely ascertained, and the additional duty incurred, if any, paid, except in cases where such bond, with sufficient surety, has been first executed.

*Merchandise imported from foreign territory by continuous railroad routes.*

**Art. 240.** To avoid inspection at the frontier port or place of arrival in the United States of any car capable of being properly closed so that access cannot be had to its contents, and laden with merchandise, destined for a port of entry in the United States, the owner of such merchandise, or his agent, or the conductor of such car, will be required to make application to a consul, vice-consul, or commercial agent of the United States, residing in such foreign territory, to close and seal the said car, and will also prepare and present to such consular officer a manifest in quadruplicate, containing a full and correct de-



scription of the merchandise, the marks and numbers on the packages thereof, the dutiable value of each package, description and number of the car, and the name of the railroad company to which it belongs.

Such manifest will also contain a declaration, under oath or affirmation, made by the owner, agent, or consignee of the merchandise, or conductor of the car, in the following form:

FORM No. 67.

*Oath to manifest.*

I, \_\_\_\_\_, owner (agent, or consignee) of the merchandise laden on board (or conductor) of \_\_\_\_\_ car, numbered \_\_\_\_\_, now about to depart, and destined for \_\_\_\_\_, do solemnly swear (or affirm) that this manifest contains, to the best of my knowledge and belief, a full and complete list and description of the contents of the said car, and that the quantities and value of said contents are in this manifest faithfully and correctly stated.

Subscribed and sworn (or affirmed) to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

Rev. Stats. sec. 3102.

**Art. 241.** On the receipt of such manifest in quadruplicate as aforesaid, the consular officer will duly close and seal the openings of such car, and will, thereupon, after placing a consecutive number on the manifest, retain one copy thereof for the files of his office; transmit one copy immediately by the conductor of such car, in a sealed envelope, to the principal customs officer at the frontier port or place of first arrival in the United States; another copy, by mail, to the collector at the port of destination, and deliver the remaining copy to the owner, agent, or conductor, to accompany the car.

Rev. Stats. sec. 3102.

**Art. 242.** On arrival of the car at the first customs office in the United States, the owner, agent, or conductor shall exhibit the manifest to the chief customs officer at that place, who shall cause the car to be examined, and if the seals are intact, shall so certify upon the copy of the manifest presented, as well as on the corresponding copy in his office, and shall thereupon allow such car to proceed, without unnecessary delay, to its destination.

**Art. 243.** If the seal or seals of such car shall have been broken or removed, or in any manner tampered with, so that access could be had to its contents, such car will, if deemed necessary by the chief customs officer, be detached from the train and detained until the contents thereof are compared with the manifest. If found correct, and it shall appear that the breaking, absence, or removal of such seals was the result of accident or oversight, he shall close and seal such car with custom seals, and permit it to proceed to its destination, noting the facts on the manifest retained by the conductor and on the one filed in his office.

But if it shall appear that such seals were broken, removed, or tampered with, with intent to defraud the revenue, or if, upon examination, the contents of said car do not agree with the manifests thereof, then the said chief officer of the customs shall detain such car and its contents, notify the collector at the port of destination by letter, and report the facts to the Secretary of the Treasury.

**Art. 244.** On arriving at the port of destination, the owner, agent, or conductor, having charge of such car, shall forthwith deliver to the collector at such port the manifest thereof in his possession, who shall thereupon take means to secure the collection of the duties upon the merchandise, and immediately report, by mail or otherwise, to the chief officer of the customs at the frontier, the results of his examination of the seals and of the contents of the car; and the owner, agent, or conductor shall, at the time of the delivery of the manifest as herein provided, make a declaration under oath, before any magistrate or other officer duly authorized to administer oaths, in the form following:

**FORM No. 68.**

*Oath of delivery of car.*

I, \_\_\_\_\_, (owner, agent, or consignee of the merchandise, or conductor of the car numbered and described as appears by the within manifest,) do hereby swear (or affirm) that this manifest contains, to the best of my knowledge and belief, a full and complete list and description of the contents of the said car, and that no goods, wares, or merchandise of any kind have been unladen or removed from said car, or placed upon or within it, since it came within the limits of the United States.

**Art. 245.** Platform or open cars, laden with bar iron, lumber, or timber, and duly corded and sealed by United States consular officers in foreign contiguous territory, may proceed under the provisions of these regulations to their destination at a port of entry, provided they are laden in such manner that no other merchandise can be concealed therein.

Rev. Stats. sec. 3102.

**Art. 246.** Whenever any car, sealed as herein provided for, arrives at its port of destination with the seals removed or tampered with, so as to afford a reasonable ground for belief that access has been had to its contents, the collector shall direct a special examination thereof, as well as into all the circumstances connected with the transit in the United States, and if it be found that any fraud on the revenue has been committed or attempted, he will report the matter to the United States attorney, in order that such legal action may be taken as the facts in the case may warrant.

Rev. Stats. sec. 3102.

**Art. 247.** Merchandise of domestic origin, duty-paid or free of duty, may be transported from one port to another of the United States over the territory of the Dominion of Canada, with the consent of the proper authorities, by routes duly designated and bonded for such purpose.

Entire cars must be specially appropriated for such transportation, and placed under customs lock and sealed, which locks and seals must be inspected by an officer of the customs at the port of departure in the United States, and remain thus fastened and sealed until they shall have passed through such foreign territory and again arrived in the United States.

Railroad iron, sugar and molasses in hogsheads, and all other merchandise in bulk which is incapable of being put in locked cars, may be transported in platform cars.

**Art. 248.** The owner or shipper must, before the merchandise is allowed to go forward, present to the collector at the port of departure manifests in triplicate for each car, subscribed by the proper agent of the railroad or other company, which shall be prepared by the said company, at the port of departure, and shall contain a particular description of the merchandise, by packages, marks, numbers, and contents; the ports of destination, to whom consigned, and the route over which the transportation is to be made, distinguishing articles that are of native from

those of foreign growth, production, or manufacture; and those free of duty or duty-paid, from goods in bond subject to duty.

The manifest shall be in the following form .

## FORM No. 69.

*Special coastwise manifest of merchandise in transit through Canada.*

PORT OF \_\_\_\_\_,  
\_\_\_\_\_, 18—

*We certify that the following described merchandise has been laden on car No. —, of the \_\_\_\_\_ railroad, at \_\_\_\_\_, for transportation to \_\_\_\_\_, across foreign territory, by way of \_\_\_\_\_, and that said car has been duly secured with customs seal or lock :*

Marks.	Numbers.	Packages.	Contents.		Consignor.	Consignee.
			Articles.	Free or in bond.		

\_\_\_\_\_, *Agent of Railroad Co.*

\_\_\_\_\_, *Inspector.*

[SEAL.] \_\_\_\_\_, *Collector.*

**Art. 249.** The supervision of the inspector of customs charged with the lading and sealing of cars, or the inspection of locks, seals, and manifests, shall see that a manifest in triplicate is provided for each car, and that the seal numbers are entered thereon and correspond with those of the seals in the locks, that manifests are provided for every car, and that they are correct by an actual comparison with the lading.

He shall then seal the car, certify each of the triplicate manifests, deliver one to the conductor of the car, and immediately return the other two to the custom-house.

One of such manifests shall be filed at the custom-house, and the other, verified by the signature and official seal of the collector, forwarded by the first mail to the collector at the port of entry where the car is expected to re-enter the United States.

Care will be taken to score with lines the blank portion of each manifest, so that no additional articles can be interpolated after signing.

**Art. 250.** On arrival at the frontier port of exit from the United States, the manifest accompanying the car shall be presented to the collector, who shall cause the fastenings and seals of the car to be examined, and if they appear intact he shall so certify, with the date, on the manifest, and return the same to the conductor.

**Art. 251.** On arrival at the first port in the United States after the transit, a careful examination must be made of the seals and other fastenings; and in case the locks and seals of any car shall have been removed or broken while in transit, the contents of such car shall be unladen and carefully compared with the manifest received from the port of departure, as well as with the copy accompanying the goods.

If the car arrive at such port before the manifest sent by mail, the contents of the car will be compared with the manifest accompanying it, and that manifest with the copy subsequently received by mail.

If found correct, the merchandise will, if in bond, be forwarded to its destination to be re-warehoused in like manner as other goods transported in bond, or, if not in bond, delivered to the consignee.

The inspector who compares the manifest with the merchandise will certify the result on the back of one of the manifests, and the collector will return the other with a similar certificate to the collector from whom it issued.

If the merchandise do not correspond with the manifest, if the seals be lost or broken, or if the packages, cars, or seals appear to have been tampered with, the goods will be detained for duties, or, if the circumstances justify it, for seizure and condemnation.

In ordinary cases, a comparison by marks and numbers will be sufficient; but if there be any well-grounded suspicion of fraud, the examination will extend to the contents of packages.

**Art. 252.** If the merchandise is destined by a route which requires a transshipment on foreign soil, on account of a change in railroad gauge, the manifest will be prepared in quadruplicate; the fourth to be sent to the in-

spector at the place of transshipment, who will, on the arrival of the car, superintend the transfer of the goods from one car to the other, checking them off by the manifest received from the collector, and also by that accompanying the goods.

He will then certify on the face of both manifests the fact of the transfer, indicating the number of the car or cars in which the goods are placed, and adding that he has duly secured and sealed the same.

He will then forward to the collector at the port in the United States where the car will first arrive the manifest received by him from the collector at the port of departure, and transmit to the latter a statement of the cars from and to which such transfers have been made, by their numbers.

**Art. 253.** It will be the duty of the collector at the first port of destination in the United States, and of the inspector in charge of transfers on foreign soil, to notify the collector at the port of departure promptly in case any car does not arrive within a reasonable time.

Under no circumstances must the seals be removed from a car, or access be had to its contents in any manner, except in the presence of a duly authorized inspector, to whom alone the custody of locks and seals will be intrusted.

**Art. 254.** Cars belonging to established through lines, which pass over a continuous line of railroad, of the same gauge, without change at the frontiers, may pass to a port of destination not on the frontier, without being unladen or opened, if a careful examination, at the frontier port, of the seals or locks by which the cars are secured, shows them to be intact; if otherwise, or if any such cars be found without proper seals or locks, they will be detained and reported to the Secretary of the Treasury for instructions as in other cases.

**Art. 255.** Merchandise passing from port to port in the United States across foreign territory, by routes not authorized to carry such goods, will be treated, on re-entering the United States, in all respects as ordinary importations from foreign contiguous territory.

## CHAPTER IV.

**THE CARRIAGE OF PASSENGERS AND  
EXAMINATION OF EMIGRANT  
VESSELS.***List of passengers.*

**Art. 256.** Vessels propelled in whole or in part by steam, carrying passengers, must have posted in conspicuous places, framed under glass, two copies of a printed synopsis of the laws relating to the carriage of passengers.

For neglect or refusal to comply with the requirements of this article the owners or masters forfeit one hundred (\$100) dollars.

Rev. Stats. sec. 4494; Desty S. & A. § 266.

**Art. 257.** The master of every vessel of the United States, propelled in whole or in part by steam, carrying passengers, except ferry-boats and steamers not exceeding 150 tons burden, used in whole or in part for navigating canals, must cause to be kept from day to day a correct list of all passengers received and landed, noting the places where received and where landed.

This list must be open to the inspection of any passenger during reasonable hours, and at all times to examination by steamboat inspectors and officers of customs.

In case of default, wilful or negligent, the said master is liable to a penalty of one hundred (\$100) dollars.

Rev. Stats. secs. 4467, 4468.

**Art. 258.** The master of every such vessel, if required by law to take clearance from the custom-house, must, after clearance is granted, but before the vessel can be allowed to depart, file with the collector or other officer of the customs granting the clearance, a list of all passengers received or to be received on the vessel so cleared for conveyance during the proposed voyage, designating cabin and steerage passengers.

This list must be verified by the oath of such master, or of an owner, or agent; whereupon a departure permit will be given. Such oath and permit will be as follows:

## FORM No. 70.

*Master's oath to passenger list on departure.*

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am master of the \_\_\_\_\_, and that annexed hereto is a correct and complete list of all passengers received or to be received for conveyance by said \_\_\_\_\_ on her voyage to \_\_\_\_\_, for which she is now clearing, designating cabin and steerage passengers.

And that two copies of the synopsis of the laws relating to the carriage of passengers and their safety on steam-vessels are framed under glass and placed and kept in conspicuous places in said vessel. \_\_\_\_\_, *Master*.

Subscribed and sworn to before me, \_\_\_\_\_, 18—.  
\_\_\_\_\_ *Collector*.

## FORM No. 71.

*Departure permit.*

DISTRICT OF \_\_\_\_\_, *Port of* \_\_\_\_\_, \_\_\_\_\_18—.

It is hereby certified that \_\_\_\_\_, master or commander of the \_\_\_\_\_ has deposited in this office, according to law, a list, verified by oath or affirmation, of all passengers received or to be received on said vessel, designating cabin and steerage passengers; and said vessel is hereby permitted to depart from this port.

\_\_\_\_\_ *Collector*.

Upon any pilot taking any such vessel to sea without such permit being exhibited to him the law imposes a fine of one hundred (\$100) dollars and a revocation of his license.

Rev. Stats. sec. 4494.

**Art. 259.** The master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America, shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers, embracing all the passengers on board the vessel at any time during the voyage, and duly verified by the oath of such master or commander, and by the inspection of such consular officer previous to or at the landing of passengers, one of which copies the said consul or officer shall file in his office, and the other of which he



shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared.

And if such master or commander shall refuse or neglect to comply with the requirements of this article, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand (\$10,000) dollars, and such fine shall be a lien upon the vessel until paid.

**Art. 260.** If the owner or owners, master, commander, or other person in charge of any steamboat or other vessel shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years, and the vessel shall be liable to seizure and forfeiture.

**Art. 261.** The master of any vessel arriving at any port of the United States, or of any territory thereof, from any foreign place whatever, when he delivers a manifest, or if there be no cargo on board, then when he makes report or entry of the vessel, must deliver to the collector of the district a list or manifest of all the passengers taken on board the vessel at any foreign port or place.

This manifest must specify the age, sex, and occupation of such passengers respectively, the part of the vessel occupied by each during the voyage, to what country they severally belong, and that of which they intend to become inhabitants, and whether any, and what number, have died on the voyage.

The list or manifest must be sworn to in the same manner as a manifest of cargo, and the same penalties are prescribed for neglect or refusal to comply with the provisions in relation to the former as to the latter manifest.

Rev. Stats. sec. 4246.

**Art. 262.** For every death by natural disease occurring during the voyage among passengers of more than eight years of age, on board any such vessel referred to in the foregoing article, except cabin passengers, the master, owner, or consignee of the vessel must, within twenty-four hours after the legal time of reporting the list prescribed in the foregoing article, pay to the collector ten (\$10) dollars.

Neglect or refusal to comply with this regulation entails a penalty of fifty (\$50) dollars additional for every such death.

Rev. Stats. sec. 4268.

**Art. 263.** The moneys arising from this exaction for every such death is to be applied for the benefit and relief of emigrants in the manner indicated by the law. Collectors will keep a special account of the moneys so received, and, before making payments to any board or commission, not already approved by the Secretary of the Treasury, will make a report to him of the number and designation of the boards or commissions appointed and acting under the authority of the State in which their respective ports are situated, to enable the Secretary of the Treasury to determine which is entitled to receive the same.

Rev. Stats. sec. 4268.

**Art. 264.** It is required by law that the collector of customs shall examine each emigrant ship or vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing; the length of the voyage; the ventilation; the number of passengers; their space on board; their food; the native country of the emigrants; the number of deaths; the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and if none, what precautionary measures, arrangements, or habits are supposed to have had any, and what, agency in causing the exemption.

This report will be in the following form:

Rev. Stats. sec. 4272.

## FORM No. 72.

*Report of examination of emigrant vessels.*

Report of examination of \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ tons burden, \_\_\_\_\_  
 \_\_\_\_\_, master, from \_\_\_\_\_.

Arrived at \_\_\_\_\_, \_\_\_\_\_, 18--.

Date of sailing, \_\_\_\_\_, 18--.

Length of voyage, \_\_\_\_\_ days.

Number, diameter, and description of ventilators, \_\_\_\_\_.

Height of ventilators above upper deck, \_\_\_\_\_.

Number of decks, \_\_\_\_\_.

Passengers.	Males.	Females.	Total No. passengers.
Class 1.—Cabin passengers. { Eight years of age or over { Under eight years of age..			
Total.....			
Class 2.—{ Pass'ngers other { Eight years of age or over { than cabin.... { Under eight and over one. { Under one year of age....			
Total.....			

## SPACE FOR PASSENGERS OTHER THAN CABIN PASSENGERS.

	Height between decks.	Superficial capac- ity in feet.	No. of passengers, other than cabin passengers, al- lowed by law.	No. of statute pas- sengers brought, other than cabin passengers.
Main deck.....				
Lower deck.....				
Deck-houses.....				
Total.....				

## FORM NO. 72.—(Continued.)

## Report of examination of emigrant vessels.

Food, (kinds and daily allowance,) _____	Dimensions of single berths, _____.
How cooked, (whether well or _____	Locality and separation of la- trines, _____.
badly, &c.,) _____.	Dimensions of double berths, _____.
No., capacity, and arrangement _____	No. physicians on board, _____.
of hospitals, _____.	No. houses over hatchways, _____.
No. of tiers of berths, _____.	No. of cabooses, _____.
Distance between berths and deck _____	No. of latrines for males, _____.
beneath, _____.	No. of latrines for females, _____.

## NATIVE COUNTRY OF PASSENGERS OTHER THAN CABIN.

_____	_____	_____	_____	_____	_____
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## DEATHS AND BIRTHS AMONG PASSENGERS OTHER THAN CABIN.

Deaths.	Males.	Females.	Births.	Number.
Passengers:				
Above eight years, from natural disease			Males...	
Above eight years, from other causes..			Females.	
Under eight years of age.....				
Total.....			Total..	

Causes of mortality during voyage, \_\_\_\_\_.  
 Receipts under section 14, act of March 3, 1855, \$ \_\_\_\_\_.

## REMARKS.

\_\_\_\_\_, \_\_\_\_\_, 18—.

To \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_, Examiner.

**Art. 265.** Collectors of the customs are required by law at the close of each quarter to forward to the Secretary of State a return of the number and designation of passengers arriving at their respective ports on shipboard from foreign ports, embracing the information furnished by the list or manifest of passengers.

This return will be in the form following:

Rev. Stats. sec. 4267.



FORM No. 73.—(Continued.)

Statement of the number and designation of passengers arriving in the United States, on shipboard, during the quarter ending ———.

		From 25 and under 30 years.
Males.	Females.	
		From 30 and under 35 years.
Males.	Females.	
		From 35 and under 40 years.
Males.	Females.	
		Upwards of 40 years of age.
Males.	Females.	
		Age or sex not stated.
		Country to which they belong.
		Males.
		Females.
		Total.
		Country in which they mean to reside.
		Males.
		Females.
		Total.
		Died on the voyage.

**Art. 266.** The attention of collectors, and other officers of customs, and of steamboat inspectors, is called to the enforcement of the laws regulating the number of passengers, their accommodations, and the appliances for the preservation of life, whenever applicable.

Rev. Stats. sec. 4481; Desty S. & A. § 266.

**Art. 267.** Collectors or surveyors have no power to give to vessels certificates of their legal capacity for the carriage of passengers. But the inspectors of steam-vessels shall state in every certificate of inspection granted to steamers carrying passengers, other than ferry-boats, the number of passengers of each class that any such steamer has accommodations for and can carry with prudence and safety; and they shall issue to such steamers which shall engage in excursions, a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried, and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions.

Rev. Stats. secs. 4464, 4466; Desty S. & A. § 268.

CHAPTER V.

COMMERCIAL INTERCOURSE WITH FOREIGN NATIONS.

*Vessels of nations with which the United States have commercial relations.*

**Art. 268.** Discriminating duties of tonnage and impost on foreign vessels and their cargoes are to be charged, as provided by law, in all cases, except where exemption is secured by treaty stipulations or by laws of the United States.

Rev. Stats. secs. 4219, 4225 ; Desty S. & A. §§ 23, 26.

*First Class.*

**Art. 269.** Vessels belonging to the following nations are admitted, under the provisions of law, treaties of commerce and navigation, or conventions, into the ports of the United States on the same terms as vessels of the United States, with the produce or manufactures of their own or any other country, as respects both tonnage and impost duties.

Rev. Stats. secs. 4401, 4438, 4444 ; Desty S. & A. §§ 2, 4, 343.

**Art. 270.** *Argentine Confederation.*—Under treaties of July 10 and 27, 1853, proclaimed April 9, 1855, (10 Stat., 1001 and 1005.)

*Austria.*—Treaty August 27, 1829, proclaimed February 10, 1831, (8 Stat., 398;) and treaty May 8, 1848, proclaimed February 25, 1850, (9 Stat., 944.)

*Austro-Hungarian Monarchy.*—By treaty signed July 11, 1870, ratified December 19, 1870, and proclaimed June 29, 1871, (17 Stat.) and relating to consular rights and duties, it is provided that the judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without previous notice to the consular authority of the nation to which the said vessels belong, in order to enable them to be present. Notice to consulates of the taking of the depositions of captains



or seamen before local authorities is also required. In the event of a vessel of either nation "being wrecked or cast on shore upon the coast of the other," "all merchandise and goods not destined for consumption in the country in which the wreck takes place, are free of all duties." Consulates may hoist their flag on board any vessel employed by them in port for the discharge of their duty. By treaty of November 25, 1871, proclaimed June 1, 1872, the mutual guarantee of property in trade-marks is provided for, (17 Stat.)

**Art. 271. Belgium.**—Treaty July 17, 1858, proclaimed April 19, 1859, (12 Stat., 1043.) Under the 4th article, steamers of the United States and of Belgium engaged in regular navigation between the two countries are reciprocally exempt from the payment of duties of tonnage, anchorage, buoys, and light-houses. By article 2 of the treaty of May 20, 1863, (13 Stat., 648,) the flags of the two countries were assimilated for the transportation of salt, in regard to which a special discrimination had previously existed.

**Bolivia.**—Treaty of May 13, 1858, proclaimed January 8, 1863, (12 Stat., 1003.)

**Brazil.**—Under act of Congress of 24th May, 1828, and proclamation of November 4, 1847, (9 Stat., 1001.)

**Chili.**—Under the act of 24th May, 1828, and proclamation of November 1, 1850, (9 Stat., 1004.)

**Denmark.**—Treaty of April 23, 1826, proclaimed October 14, 1826, (8 Stat., 340;) and treaty of April 11, 1857, proclaimed January 13, 1858, (11 Stat., 719.)

**Dominican Republic.**—Convention of February 8, 1867, proclaimed October 24, 1867.

**Ecuador.**—Treaty of June 13, 1839, proclaimed September 23, 1842, (8 Stat., 534.)

**Art. 272. German Empire.**—By treaty of December 11, 1871, proclaimed June 1, 1872, (17 Stat.,) "respecting consuls and trade-marks," the stipulations above set forth in the case of the Austro-Hungarian Monarchy, relating to examination and searches of vessels, taking of depositions, and to wrecked goods, were also made with the German Empire. The 17th article provides that, "with regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens."

**Art. 273.** *Great Britain and her possessions.*—Treaties of July 3, 1815, (8 Stat., 228;) October 20, 1818, (8 Stat., 248;) and August 6, 1827, (8 Stat., 361;) and instructions of Treasury Department of October 19, 1849. British vessels and their cargoes, from any part of the world, are admitted into ports of the United States on the same terms, as to duties, imposts, and charges, as those of the United States.

By decision of the circuit court of the United States, British vessels, bringing from British ports in Europe articles of the growth, produce, or manufacture of the British possessions in India, are not liable to the penalties provided in the navigation act of March 1, 1817.

By treaty of May 8, 1871, ratified June 17, 1871, and proclaimed July 4, 1871, (17 Stat.,) the common enjoyment of certain sea-fisheries on the coasts of the United States and of the British North American Provinces, by American citizens and British subjects, is provided for; also the free navigation of certain rivers, canals, and lakes, and reciprocal transit through the territory of each government respectively; the assent of the American Congress, the British and Canadian Parliament, and the Legislature of Prince Edward's Island, required by the conditions of the treaty, having been proclaimed by the President, July 1, 1873.

*Greece.*—Treaty of December 10, (22,) 1837, proclaimed August 30, 1838, (8 Stat., 498.)

*Guatemala.*—Treaty March 3, 1849, proclaimed July 28, 1852, (10 Stat., 873.)

*Hayti.*—Treaty of November 3, 1864, proclaimed July 6, 1865, (13 Stat., 711.)

*Hanover.*—Treaty June 10, 1846, proclaimed April 24, 1847, (9 Stat., 857;) and treaty of November 6, 1861, proclaimed June 17, 1862, (12 Stat., 1187.)

*Hanseatic Towns: Hamburg, Lubec, Bremen.*—Treaty December 20, 1827, proclaimed June 2, 1828, (8 Stat., 366;) additional articles June 4, 1828, proclaimed January 14, 1829, (8 Stat., 386.)

*Hawaiian Islands.*—Act of May 24, 1828, (4 Stat., 308;) and President's proclamation, January 29, 1867, (14 Stat., 819;) also treaty of December 20, 1849, proclaimed November 9, 1850, (9 Stat., 977.)

*Honduras.*—Treaty of July 4, 1864, proclaimed May 30, 1865, (13 Stat., 699.)

*Italy.*—Treaty with Sardinia, November 26, 1838, proclaimed March 18, 1839, 8 Stat., 512;) and treaty with the Two Sicilies of October 1, 1855, proclaimed December 10, 1856, (11 Stat., 639;) held applicable to the Kingdom of Italy as since constituted.

**Art. 274.** By treaty with Italy, of November 18, 1871, proclaimed November 23, 1871, (17 Stat.,) reciprocal liberty of commerce and navigation is provided for, not only as to imports into either country by the vessels of the other from any part of the world, but the vessels of either country may also export and re-export from the other to any foreign port on the same terms and with the same bounties, duties, and drawbacks as those belonging there. Vessels of either nation, wrecked, foundered, or damaged on the coasts of the other, may unload and reload there, without paying duties except upon articles left for consumption. Vessels of either nation may also complete crews on the territory of the other on conditions specified.

The following vessels are exempt from tonnage, anchorage, and clearance duties, to wit:

1. Those entering and leaving again in ballast.
2. Those passing from port to port to discharge or take in or complete cargo, on proof of having already paid such duties.
3. Loaded vessels entering port and leaving it without having disposed of any part of their cargoes or completed cargo there.

No vessel of the one country compelled to enter a port of the other to be regarded as trading if it merely breaks bulk for repairs, transfers cargo on account of unseaworthiness, purchases stores, or sells damaged goods for re-exportation only. The latter, however, to pay customs duties when intended to be sold for internal consumption.

**Art. 275. Japan.**—Act of May 24, 1823, (4 Stat., 308,) and President's proclamation September 4, 1872, (17 Stat.,) Under the treaty of March 31, 1854, proclaimed June 22, 1855, (11 Stat., 597,) and treaty of June 17, 1857, proclaimed June 30, 1858, (11 Stat., 723,) vessels of the United States may enter the ports of Simoda, Hakodadi, and Nagasaki, in Japan, where they can be supplied with wood, water, coal, provisions, and other articles required by their necessities; such articles to be procured only through the agency of Japanese officers appointed for that purpose. Any privilege or advantage granted, in future, by the government of Japan to any other nation to be extended also to the United States and the citizens thereof. By the latter treaty the exchange of coin also provided for. Under the treaty of January 28, 1864, proclaimed April 9, 1866, (14 Stat., 655,) certain articles used in the preparation and packing of teas are to be admitted in Japan free of duty, and certain other specified articles at a reduced duty of 5 per cent.

## FORM No. 70.

*Master's oath to passenger list on departure.*

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am master of the \_\_\_\_\_, and that annexed hereto is a correct and complete list of all passengers received or to be received for conveyance by said \_\_\_\_\_ on her voyage to \_\_\_\_\_, for which she is now clearing, designating cabin and steerage passengers.

And that two copies of the synopsis of the laws relating to the carriage of passengers and their safety on steam-vessels are framed under glass and placed and kept in conspicuous places in said vessel. \_\_\_\_\_, *Master*.

Subscribed and sworn to before me, \_\_\_\_\_, 18—  
\_\_\_\_\_ *Collector*.

## FORM No. 71.

*Departure permit.*

DISTRICT OF \_\_\_\_\_, *Port of* \_\_\_\_\_, \_\_\_\_\_ 18—.

It is hereby certified that \_\_\_\_\_, master or commander of the \_\_\_\_\_ has deposited in this office, according to law, a list, verified by oath or affirmation, of all passengers received or to be received on said vessel, designating cabin and steerage passengers; and said vessel is hereby permitted to depart from this port.  
\_\_\_\_\_ *Collector*.

Upon any pilot taking any such vessel to sea without such permit being exhibited to him the law imposes a fine of one hundred (\$100) dollars and a revocation of his license.

Rev. Stats. sec. 4494.

**Art. 259.** The master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America, shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers, embracing all the passengers on board the vessel at any time during the voyage, and duly verified by the oath of such master or commander, and by the inspection of such consular officer previous to or at the landing of passengers, one of which copies the said consul or officer shall file in his office, and the other of which he

shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared.

And if such master or commander shall refuse or neglect to comply with the requirements of this article, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand (\$10,000) dollars, and such fine shall be a lien upon the vessel until paid.

**Art. 260.** If the owner or owners, master, commander, or other person in charge of any steamboat or other vessel shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years, and the vessel shall be liable to seizure and forfeiture.

**Art. 261.** The master of any vessel arriving at any port of the United States, or of any territory thereof, from any foreign place whatever, when he delivers a manifest, or if there be no cargo on board, then when he makes report or entry of the vessel, must deliver to the collector of the district a list or manifest of all the passengers taken on board the vessel at any foreign port or place.

This manifest must specify the age, sex, and occupation of such passengers respectively, the part of the vessel occupied by each during the voyage, to what country they severally belong, and that of which they intend to become inhabitants, and whether any, and what number, have died on the voyage.

The list or manifest must be sworn to in the same manner as a manifest of cargo, and the same penalties are prescribed for neglect or refusal to comply with the provisions in relation to the former as to the latter manifest.

Rev. Stats. sec. 4266.

**Art. 262.** For every death by natural disease occurring during the voyage among passengers of more than eight years of age, on board any such vessel referred to in the foregoing article, except cabin passengers, the master, owner, or consignee of the vessel must, within twenty-four hours after the legal time of reporting the list prescribed in the foregoing article, pay to the collector ten (\$10) dollars.

## FORM No. 70.

*Master's oath to passenger list on departure.*

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am master of the \_\_\_\_\_, and that annexed hereto is a correct and complete list of all passengers received or to be received for conveyance by said \_\_\_\_\_ on her voyage to \_\_\_\_\_, for which she is now clearing, designating cabin and steerage passengers.

And that two copies of the synopsis of the laws relating to the carriage of passengers and their safety on steam-vessels are framed under glass and placed and kept in conspicuous places in said vessel. \_\_\_\_\_, *Master*.

Subscribed and sworn to before me, \_\_\_\_\_, 18—  
\_\_\_\_\_ *Collector*.

## FORM No. 71.

*Departure permit.*

DISTRICT OF \_\_\_\_\_, *Port of* \_\_\_\_\_, \_\_\_\_\_ 18—.

It is hereby certified that \_\_\_\_\_, master or commander of the \_\_\_\_\_ has deposited in this office, according to law, a list, verified by oath or affirmation, of all passengers received or to be received on said vessel, designating cabin and steerage passengers; and said vessel is hereby permitted to depart from this port.

\_\_\_\_\_ *Collector*.

Upon any pilot taking any such vessel to sea without such permit being exhibited to him the law imposes a fine of one hundred (\$100) dollars and a revocation of his license.

Rev. Stats. sec. 4494.

**Art. 259.** The master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America, shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers, embracing all the passengers on board the vessel at any time during the voyage, and duly verified by the oath of such master or commander, and by the inspection of such consular officer previous to or at the landing of passengers, one of which copies the said consul or officer shall file in his office, and the other of which he

shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared.

And if such master or commander shall refuse or neglect to comply with the requirements of this article, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand (\$10,000) dollars, and such fine shall be a lien upon the vessel until paid.

**Art. 260.** If the owner or owners, master, commander, or other person in charge of any steamboat or other vessel shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years, and the vessel shall be liable to seizure and forfeiture.

**Art. 261.** The master of any vessel arriving at any port of the United States, or of any territory thereof, from any foreign place whatever, when he delivers a manifest, or if there be no cargo on board, then when he makes report or entry of the vessel, must deliver to the collector of the district a list or manifest of all the passengers taken on board the vessel at any foreign port or place.

This manifest must specify the age, sex, and occupation of such passengers respectively, the part of the vessel occupied by each during the voyage, to what country they severally belong, and that of which they intend to become inhabitants, and whether any, and what number, have died on the voyage.

The list or manifest must be sworn to in the same manner as a manifest of cargo, and the same penalties are prescribed for neglect or refusal to comply with the provisions in relation to the former as to the latter manifest.

Rev. Stats. sec. 4263.

**Art. 262.** For every death by natural disease occurring during the voyage among passengers of more than eight years of age, on board any such vessel referred to in the foregoing article, except cabin passengers, the master, owner, or consignee of the vessel must, within twenty-four hours after the legal time of reporting the list prescribed in the foregoing article, pay to the collector ten (\$10) dollars.

## FORM No. 70.

*Master's oath to passenger list on departure.*

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am master of the \_\_\_\_\_, and that annexed hereto is a correct and complete list of all passengers received or to be received for conveyance by said \_\_\_\_\_ on her voyage to \_\_\_\_\_, for which she is now clearing, designating cabin and steerage passengers.

And that two copies of the synopsis of the laws relating to the carriage of passengers and their safety on steam-vessels are framed under glass and placed and kept in conspicuous places in said vessel. \_\_\_\_\_, *Master.*

Subscribed and sworn to before me, \_\_\_\_\_, 18—.  
\_\_\_\_\_ *Collector.*

## FORM No. 71.

*Departure permit.*

DISTRICT OF \_\_\_\_\_, *Port of* \_\_\_\_\_, \_\_\_\_\_18—.

It is hereby certified that \_\_\_\_\_, master or commander of the \_\_\_\_\_ has deposited in this office, according to law, a list, verified by oath or affirmation, of all passengers received or to be received on said vessel, designating cabin and steerage passengers; and said vessel is hereby permitted to depart from this port.

\_\_\_\_\_ *Collector.*

Upon any pilot taking any such vessel to sea without such permit being exhibited to him the law imposes a fine of one hundred (\$100) dollars and a revocation of his license.

Rev. Stats. sec. 4494.

**Art. 259.** The master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America, shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers, embracing all the passengers on board the vessel at any time during the voyage, and duly verified by the oath of such master or commander, and by the inspection of such consular officer previous to or at the landing of passengers, one of which copies the said consul or officer shall file in his office, and the other of which he



shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared.

And if such master or commander shall refuse or neglect to comply with the requirements of this article, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand (\$10,000) dollars, and such fine shall be a lien upon the vessel until paid.

**Art. 260.** If the owner or owners, master, commander, or other person in charge of any steamboat or other vessel shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years, and the vessel shall be liable to seizure and forfeiture.

**Art. 261.** The master of any vessel arriving at any port of the United States, or of any territory thereof, from any foreign place whatever, when he delivers a manifest, or if there be no cargo on board, then when he makes report or entry of the vessel, must deliver to the collector of the district a list or manifest of all the passengers taken on board the vessel at any foreign port or place.

This manifest must specify the age, sex, and occupation of such passengers respectively, the part of the vessel occupied by each during the voyage, to what country they severally belong, and that of which they intend to become inhabitants, and whether any, and what number, have died on the voyage.

The list or manifest must be sworn to in the same manner as a manifest of cargo, and the same penalties are prescribed for neglect or refusal to comply with the provisions in relation to the former as to the latter manifest.

Rev. Stats. sec. 4266.

**Art. 262.** For every death by natural disease occurring during the voyage among passengers of more than eight years of age, on board any such vessel referred to in the foregoing article, except cabin passengers, the master, owner, or consignee of the vessel must, within twenty-four hours after the legal time of reporting the list prescribed in the foregoing article, pay to the collector ten (\$10) dollars.

## FORM No. 70.

*Master's oath to passenger list on departure.*

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am master of the \_\_\_\_\_, and that annexed hereto is a correct and complete list of all passengers received or to be received for conveyance by said \_\_\_\_\_ on her voyage to \_\_\_\_\_, for which she is now clearing, designating cabin and steerage passengers.

And that two copies of the synopsis of the laws relating to the carriage of passengers and their safety on steam-vessels are framed under glass and placed and kept in conspicuous places in said vessel. \_\_\_\_\_, *Master.*

Subscribed and sworn to before me, \_\_\_\_\_, 18—  
\_\_\_\_\_ *Collector.*

## FORM No. 71.

*Departure permit.*

DISTRICT OF \_\_\_\_\_, *Port of* \_\_\_\_\_, \_\_\_\_\_18—.

It is hereby certified that \_\_\_\_\_, master or commander of the \_\_\_\_\_ has deposited in this office, according to law, a list, verified by oath or affirmation, of all passengers received or to be received on said vessel, designating cabin and steerage passengers; and said vessel is hereby permitted to depart from this port.  
\_\_\_\_\_ *Collector.*

Upon any pilot taking any such vessel to sea without such permit being exhibited to him the law imposes a fine of one hundred (\$100) dollars and a revocation of his license.

Rev. Stats. sec. 4494.

**Art. 259.** The master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America, shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers, embracing all the passengers on board the vessel at any time during the voyage, and duly verified by the oath of such master or commander, and by the inspection of such consular officer previous to or at the landing of passengers, one of which copies the said consul or officer shall file in his office, and the other of which he

shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared.

And if such master or commander shall refuse or neglect to comply with the requirements of this article, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand (\$10,000) dollars, and such fine shall be a lien upon the vessel until paid.

**Art. 260.** If the owner or owners, master, commander, or other person in charge of any steamboat or other vessel shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years, and the vessel shall be liable to seizure and forfeiture.

**Art. 261.** The master of any vessel arriving at any port of the United States, or of any territory thereof, from any foreign place whatever, when he delivers a manifest, or if there be no cargo on board, then when he makes report or entry of the vessel, must deliver to the collector of the district a list or manifest of all the passengers taken on board the vessel at any foreign port or place.

This manifest must specify the age, sex, and occupation of such passengers respectively, the part of the vessel occupied by each during the voyage, to what country they severally belong, and that of which they intend to become inhabitants, and whether any, and what number, have died on the voyage.

The list or manifest must be sworn to in the same manner as a manifest of cargo, and the same penalties are prescribed for neglect or refusal to comply with the provisions in relation to the former as to the latter manifest.

Rev. Stats. sec. 4266.

**Art. 262.** For every death by natural disease occurring during the voyage among passengers of more than eight years of age, on board any such vessel referred to in the foregoing article, except cabin passengers, the master, owner, or consignee of the vessel must, within twenty-four hours after the legal time of reporting the list prescribed in the foregoing article, pay to the collector ten (\$10) dollars.

Neglect or refusal to comply with this regulation entails a penalty of fifty (\$50) dollars additional for every such death.

Rev. Stats. sec. 4268.

**Art. 263.** The moneys arising from this exaction for every such death is to be applied for the benefit and relief of emigrants in the manner indicated by the law. Collectors will keep a special account of the moneys so received, and, before making payments to any board or commission, not already approved by the Secretary of the Treasury, will make a report to him of the number and designation of the boards or commissions appointed and acting under the authority of the State in which their respective ports are situated, to enable the Secretary of the Treasury to determine which is entitled to receive the same.

Rev. Stats. sec. 4268.

**Art. 264.** It is required by law that the collector of customs shall examine each emigrant ship or vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing; the length of the voyage; the ventilation; the number of passengers; their space on board; their food; the native country of the emigrants; the number of deaths; the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and if none, what precautionary measures, arrangements, or habits are supposed to have had any, and what, agency in causing the exemption.

This report will be in the following form:

Rev. Stats. sec. 4272.

## FORM NO. 72.

*Report of examination of emigrant vessels.*

Report of examination of \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ tons burden, \_\_\_\_\_  
 \_\_\_\_\_, master, from \_\_\_\_\_.  
 Arrived at \_\_\_\_\_, \_\_\_\_\_, 18--.  
 Date of sailing, \_\_\_\_\_, 18--.  
 Length of voyage, \_\_\_\_\_ days.  
 Number, diameter, and description of ventilators, \_\_\_\_\_.  
 Height of ventilators above upper deck, \_\_\_\_\_.  
 Number of decks, \_\_\_\_\_.

Passengers.	Males.	Females.	Total No. passengers.
Class 1.—Cabin passengers. { Eight years of age or over { Under eight years of age..			
Total.....			
Class 2.— { Pass'ngers other { Eight years of age or over { than cabin.... { Under eight and over one. { Under one year of age....			
Total.....			

## SPACE FOR PASSENGERS OTHER THAN CABIN PASSENGERS.

	Height between decks.	Superficial capac- ity in feet.	No. of passengers, other than cabin passengers, al- lowed by law.	No. of statute pas- sengers brought, other than cabin passengers.
Main deck.....				
Lower deck.....				
Deck-houses.....				
Total.....				

**Art. 303.** Vessels enrolled and licensed for trade in the waters of the northern frontiers, clearing direct to a foreign port, must pay tonnage tax; but if such vessels clear from a port in one collection district for a port in another collection district and complete the voyage to the port of destination, they are not required to pay tonnage tax, although, during the voyage, they may touch at intermediate foreign ports, and receive on board dutiable goods and import the same into the United States.

Rev. Stats. sec. 4381.

**Art. 304.** Steam-vessels owned in Belgium and engaged in regular navigation between Belgium and the United States, and steam-vessels of the North German Lloyd, constituting a regular line plying between Bremen and the United States, are exempted by treaty and by the operation of the "most favored nation clause" from the collection of tonnage tax in ports of the United States.

**Art. 305.** Foreign steam-tugs, employed in towing coastwise vessels, are liable to pay fifty cents per ton on the admeasurement of the vessel towed, unless the towing is done in whole or in part within or upon foreign waters, or the tug is owned by a foreign railway company, whose road enters the United States by means of such tug.

Vessels from foreign ports compelled by stress of weather, or other unavoidable cause, to enter a port of the United States, not being destined for such port, do not thereby become liable to the payment of a tonnage tax.

Rev. Stats. sec. 4370.

**Art. 306.** Any person who may feel himself aggrieved by the decision of an officer of the customs, respecting the exaction of tonnage tax, must, in order to its refundment, if illegally exacted, or to maintain a suit against the collector for its recovery, file with the collector within ten days from the date of payment, a protest in writing, and within thirty days after such date, appeal to the Secretary of the Treasury, setting forth in such protest and appeal his objections to payment.

Rev. Stats. sec. 2931.

**Art. 307.** But the Secretary of the Treasury may, without due protest having been made, authorize the return of tonnage tax illegally collected, when satisfied from evidence produced to him that the party was prevented from complying with the foregoing requirements by circumstances beyond his control.

Rev. Stats. sec. 3013.

**Art. 308.** For the purpose of notifying parties respecting the necessity of protest and appeal, in order to the recovery of such moneys, the laws relating thereto will be printed on the back of tonnage certificates, Form No. 74.

**Art. 309.** Vessels not of the United States, except vessels of foreign nations placing vessels of the United States arriving at their ports on the same footing as national vessels in respect to duty on tonnage, and vessels built in the United States and recorded according to law, are liable at every entry at ports of the United States from foreign ports and places, to and with which vessels of the United States are not ordinarily permitted to go and trade, to a duty of two dollars and fifty cents per ton.

Rev. Stats. secs. 4219, 4225, 4227; Desty S. & A. § 26.

**Art. 310.** Undocumented vessels owned by citizens of the United States entering from foreign ports, ordinarily closed against vessels of the United States, as aforesaid, are subject to a duty of two dollars per ton; on each arrival from any other foreign port or from a port of the United States, to a duty of one dollar per ton. On arrival from a foreign port, such vessels, if laden with goods, wares, and merchandise, will, with their cargoes, be subjected to forfeiture.

If in ballast only, or with passengers, without cargo, they will be subject to a tonnage duty of one dollar per ton, in addition to the tonnage duty imposed by law on registered vessels under like circumstances.

In the coastwise trade, such undocumented vessels, if laden with the goods, wares, and merchandise of the growth or manufacture of the United States only, distilled spirits excepted, taken in within one district of the United States to be discharged in another district, or in ballast, will be subjected at every port of the United States at which they may arrive, to payment of the fees prescribed by law in the case of vessels not belonging to citizens of the United States, and to a tonnage duty of one dollar per ton as above.

But if they have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea stores, such vessels, with their tackle, apparel, furniture, and the lading found on board, will be forfeited.

And the master or commander of any such vessel bound from one district in the United States to another district within the same must in all cases comply with the laws respecting the coastwise trade.

Rev. Stats. secs. 4219, 4226; Desty S. & A. § 26.

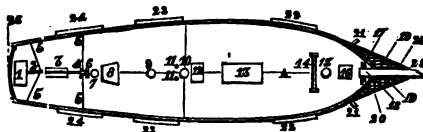
**Art. 311.** Recorded vessels not provided with marine documents under any foreign nationality having commercial relations with the United States, arriving from a port or place to and with which vessels of the United States are permitted to go and trade, are subject to a duty of eighty cents per ton.

Vessels not of the United States, upon which the rates of tonnage tax are not fixed by law or treaty, arriving from places where vessels of the United States are permitted to trade, are liable to a tax of one dollar per ton.

Rev. Stats. secs. 4219, 4227; Desty S. & A. § 26.

**Art. 312.** The master of a vessel-of-war or of a vessel employed by any prince or state as a public packet for the conveyance of letters and despatches, and not for the transportation of merchandise in the way of trade, is not required to pay tonnage tax.

Rev. Stats. sec. 2791.



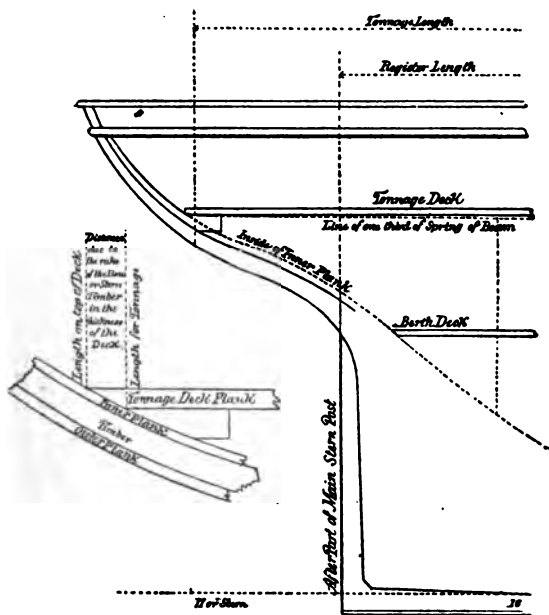
GROUND PLAN OF SHIP.

[From Webster's Dictionary.]

p, prow; l, larboard or port; s, starboard; 1, round-house; 2, tiller; 3, grating; 4, wheel; 5, wheel-chains; 6, binnacle; 7, mizzen-mast; 8, skylight; 9, capstan; 10, mainmast; 11, pumps; 12, galley, caboose; 13, main-hatchway; 14, windlass; 15, foremast; 16, fore-hatchway; 17, bitts; 18, bowsprit; 19, head-rail; 20, boom-kins; 21, bows; 22, fore-chains; 23, main-chains; 24, mizzen-chains.



Diagram 1. Fig. 1.



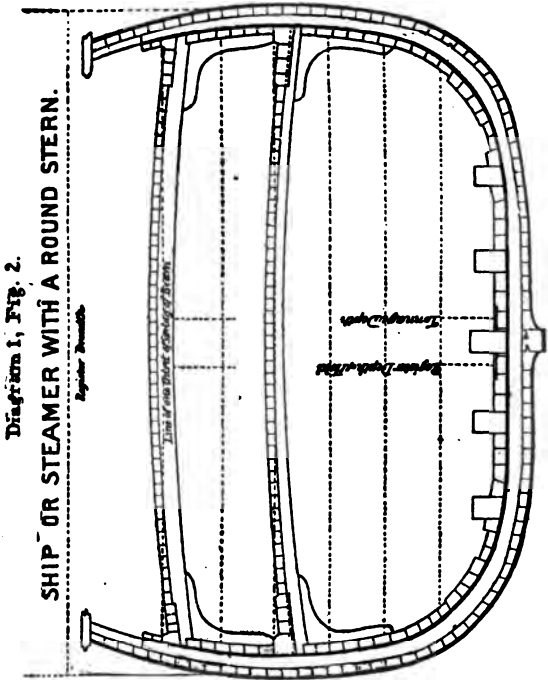
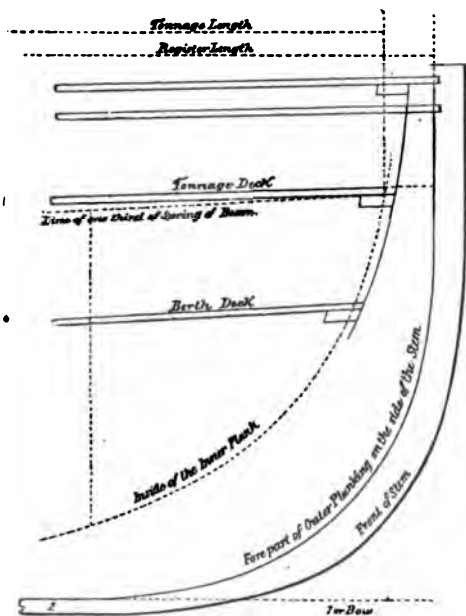
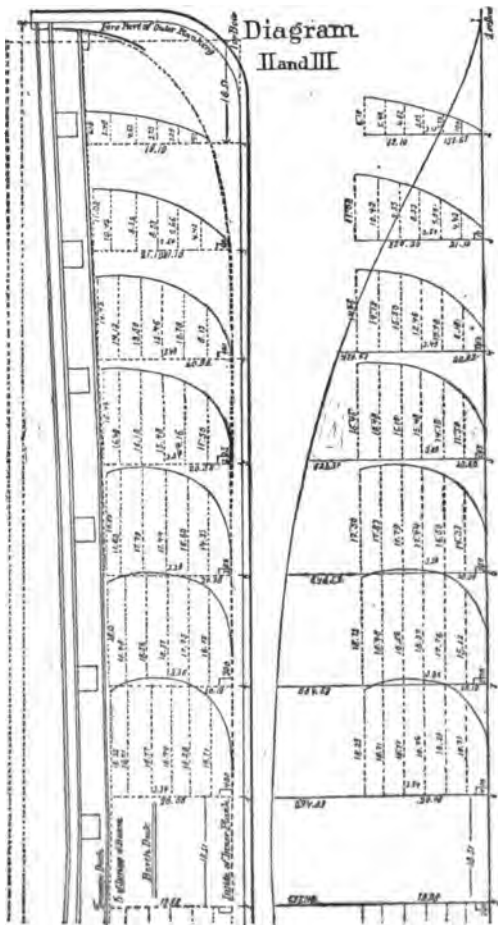


Diagram 1 Fig. 3.





SHIP OR STEAMER WITH A ROUND STERN



# SIDE-WHEEL STEAMER OF THE COAST

Vertical Section from Stem to Stern

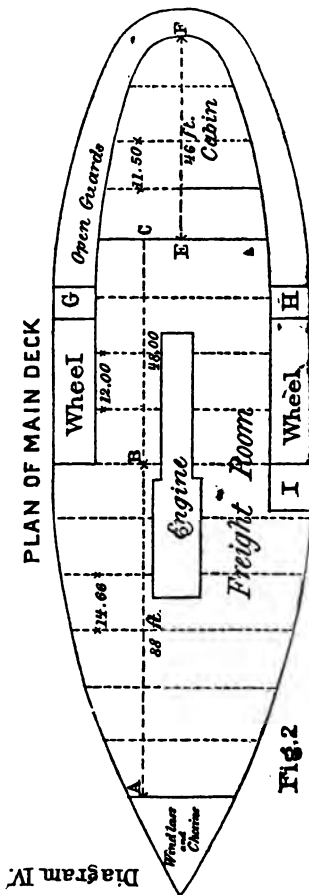
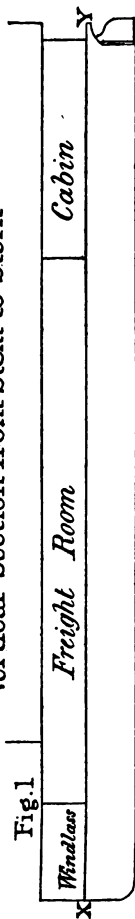


Fig. 2

Diagram V.  
**SIDE-WHEEL STEAMER OF THE WESTERN RIVERS**  
 Vertical Section from Stem to Stern

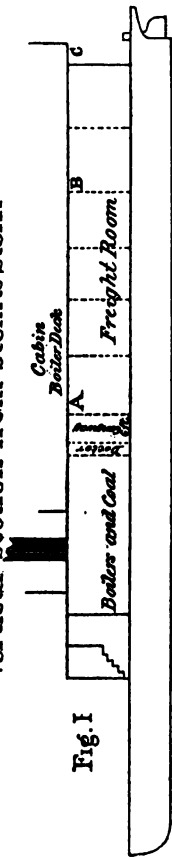


Fig. 1

PLAN OF MAIN DECK

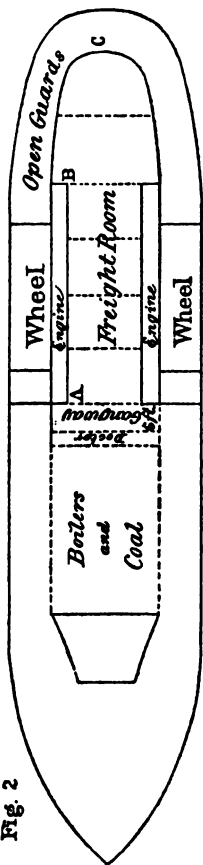


Fig. 2

**DIAGRAM NO. 1.** *Figure 1* represents the after-end of a ship or steamer of the largest class, showing the point from which the register and tonnage lengths are measured.

*Figure 2* represents the midship section of a ship or steamer in which the depth exceeds sixteen feet. The upper spotted line, marked No. 1, represents the upper breadth drawn through a point which is determined by setting down from the top of the beam the one-third of the round of the beam. It is from this point, in each area, that the respective depths are measured to the average thickness of the ceiling at the inside of the limber-strake; the last breadth prescribed by the rule is at the lowest point of the depth, and is marked No. 7, and this breadth extends as far as the floor is perfectly flat or horizontal. The midship area alone is here represented, the breadths and depths in each area being taken in precisely the same manner.

*Figure 3* represents the forward end of the ship, showing the points from which the register and the tonnage lengths are measured.

*Figure 4* represents, on a large scale, the manner in which the length at the tonnage-deck is determined, both forward and aft.

**DIAGRAM NO. 2** represents the length of a vessel of the sixth class, in which the tonnage length is divided into sixteen equal parts, showing the inside of the inner plank or upper side of ceiling at limber-strake, above tonnage-deck, and upper side of beams at middle line of ship, and the medium height of beams, or a line set down at one-third of the round of the beams from the upper side of beams just mentioned. There is also represented the breadths directed to be taken for each area, and their position in relation to the depths.

**DIAGRAM NO. 3** represents the curve of areas formed by ordinates in proportion to the area of the corresponding sections.

Its construction is as follows: On the straight line are set off the exact position of the areas, according to the length of the vessel; on these stations, marked 1, 2, 3, etc., are set off, at right angles from the straight line, on a reduced scale, in order to bring the figure within manageable dimensions, which, in this example, is one-eighth of an inch for every fifty square feet,) the number of feet in the respective areas or ordinates, ascertained by the rule, and through the points so given the curve is drawn as represented in the figure. This curve of areas, being a continuous and fair line, is a test of the correctness of the measurements, and an error in computation will be immediately detected. It will be observed that the curve meets the straight line at the stations 1 and 17. This must necessarily be the case; for the areas 1 and 17, being at the extreme ends forward and aft, are equal to zero, and therefore there is nothing to set off from the straight line at those places.

The measurements from which the several transverse areas are obtained, being set off at each station at their proper distances asunder, the forms of each cross-section will be reproduced, and an error in measurement will be at once detected.

**DIAGRAM NO. 4.** *Figures 1 and 2* indicate the mode of admeasuring the closed-in spaces above the main deck of river and sound steamers of the Atlantic coast, of which X Y is the upper deck for the hull.

The tonnage of the freight-room in this case consists of the space from A to B, together with the spaces from B to C, less the spaces occupied by the engine, and the galley or cook-room I.

The tonnage of the cabin is to be computed separately. The rooms G and H, abaft the wheels, are to be admeasured if available for cargo, stores, passengers, or crew.

**DIAGRAM NO. 5** explains the mode of admeasuring the side-wheel steamers of the western rivers. See Article 132.







### STAYS AND STAY-SAILS.

[From Webster's Dictionary.]

**a**, foretop-mast-stay sail; **b**, maintop-mast-stay sail; **c**, maintop-gallant-stay sail; **d**, main-royal-stay sail; **e**, mizzen-stay sail; **f**, mizzen-top-mast-stay sail; **g**, **h**, fore, main, and mizzen-top-mast and top-gallant-mast back-stays; **i**, fore-stay; **j**, main-stay; **k**, mizzen-stay.



### SAILS.

[From Webster's Dictionary.]

**1**, flying jib; **2**, jib; **3**, foretop-mast stay sail; **4**, fore-course; **5**, foretop sail; **6**, foretop-gallant sail; **7**, fore-royal; **8**, fore sky-sail; **9**, fore-royal studding-sail; **10**, foretop-gallant studding-sail; **11**, foretop-mast studding-sail; **12**, main-course; **13**, main-topsail; **14**, maintop-gallantsail; **15**, main-royal; **16**, main sky-sail; **17**, main-royal studding-sail; **18**, maintop-gallant studding-sail; **19**, maintop-mast studding-sail; **20**, mizzen-course; **21**, mizzen-top sail; **22**, mizzen-top-gallant sail; **23**, mizzen-royal; **24**, mizzen sky sail; **25**, mizzen-spanker.

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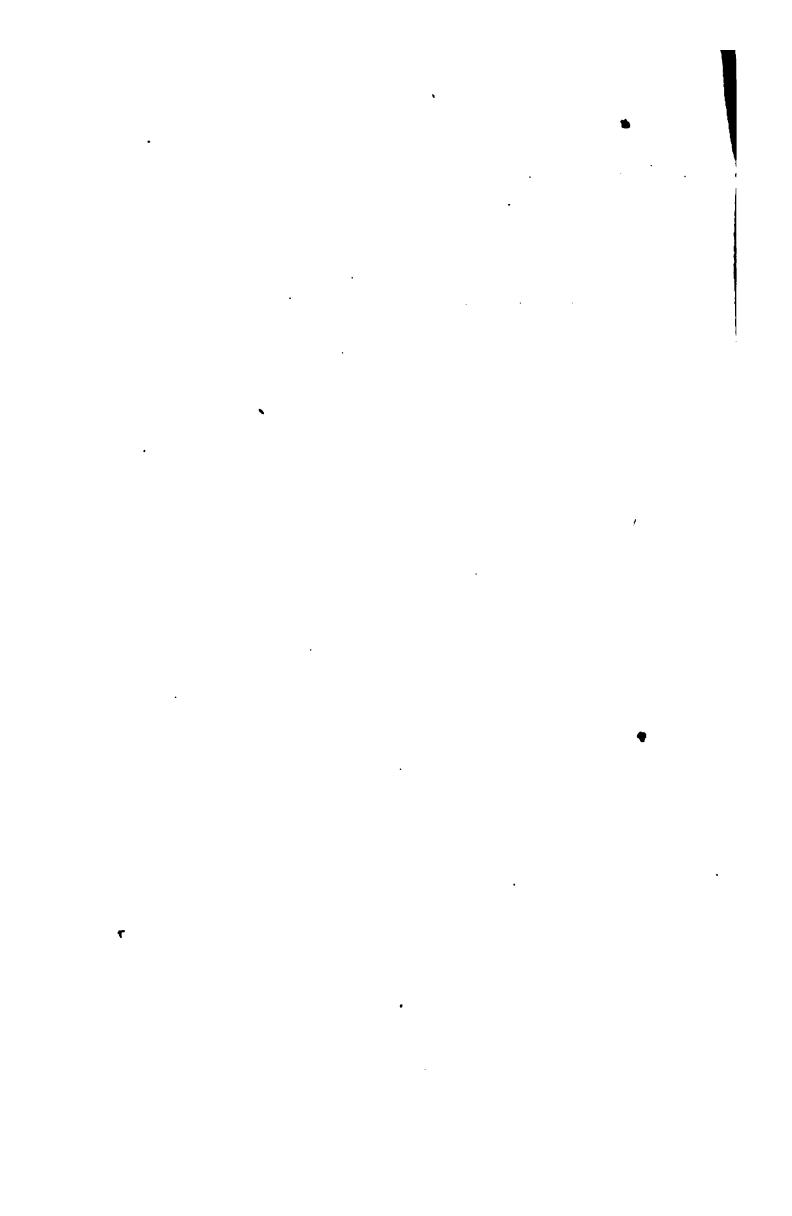
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